

Closed Caption Log, Council Meeting, 05/12/11

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Mayor Leffingwell: We will begin today with the reverend edward garcia from emmanuel united methodist church and I talked to him a moment ago and he said he had been praying for rain for a week. Keep up the good work. Please rise.

Thank you very much. I take no credit for it, but I'm thankful to god that we are getting rain and we got a little bit of hail mixed with t. Before I pray I want to just share with you a little bit about my role as pastor. I have to make sure that my church becomes a place where the joyful and the hopeless, where the sick and the healthy, where the rich and the poor, where the homeless, where the homeowners, where the sage and the simple, the powerful and the powerless all feel like they belong, and I have to pray because it's dwight a -- quite a task. At my punch I'm talking about a scale of hundreds. You work on that everyday on a scale of hundreds of thousands. And I'm going to pray and continue to pray that god give you the wisdom of solomon. That as you try to balance all these issues and listen to both sides of the stories that your decisions will be what builds the city, strengthens the people and makes austin the shining light that it should be in the state of texas. Let's pray. God, solomon was caught in the middle of a struggle. And he called to you and you gave him the wisdom to save a life. We are in the middle of so many struggles. We see people around us who are well and people who are not. We see powerful and powerless. We hear the cries of children looking for education and doors just not being open to them. We hear everybody crying out for more. Give this city council the wisdom to know how to choose, to give the people the wisdom to ask the right questions. And as we all put our riches on the table, as we all take what you've given us and put it before you, may you bring justice, blessing to this the capitol city where we ask it in your name, amen.

Mayor Leffingwell: Thank you, reverend. Please be seated. A quorum is present, so I'll call the meeting of the austin city council to order on may 12th, 2011, at 10:08 a.m. in the morning. We're meeting at austin city hall in the council chambers of austin city hall, 301 west second street, austin, texas. And I would ask you in the back to hold down your conversations, please. It will make it easier for us. Again today is the changes and corrections to today's agenda. First on item number 3, delete the words to be reviewed by and insert the word recommended by the water and wastewater commission. On item 9, add the letter s to government to make it read the capital area council of governments. Delete the word community and insert the word places. Delete the word eight and insert 12 in its place. Delete the amount, \$633,680. And insert the word \$750,000 and one subsequent nine-month renewal term in an amount not to exceed \$1,040 for a total contract now to read \$1,901,040.

> Item 44 is withdrawn. Item number 57 -- correction, 57 is withdrawn. Time certain items for today. 30 Will be the time to morning briefings. 12 Noon citizens communication. 00 take up our zoning matters. 00 the austin housing finance corporation board of directors. 30 live music and proclamations and musician david garza. One more correction to item 9, delete the amount 1,267,360 and insert in its place \$1 million. Item number 39 -- consent agenda is items 1 through 32. Item 39 will remain on consent, but that's our appointments and waivers to boards and commissions, so I'm going to read that into the record. First to the electric board, christian wagner is comop's nominee and to the human rights commission, george renolds is councilmember riley's nominee. A waiver, the comprehensive plan citizens advisory taskforce to approve a waiver of the attendance requirement of section 2-1-26 of the

city code for greg esparza's service on the comprehensive plan citizens advisory taskforce. Waiver includes all absences through today's date. The following items were pulled off consent. Item 7 is pulled by councilmember cole and we do have one speaker on that item. Numbers 10, 11, 12 and 28 were pulled by councilmember morrison. And number 32 is pulled by councilmember morrison, but I will add that we will not hear that item until after we discuss it in executive session. Item number 55, which is related to executive session 59, will also be heard after executive session. And councilmember riley, i understand you want to hear item 57 in executive session? Can we reinstate that on the record? So item 57 will not be withdrawn. It will stay on the consent agenda and well address that in executive session. Are there any more items to be pulled off the -- there's one more. Items number 2 and 8 together, which is the holly street item, are pulled off due to a number of speakers signed up to speak. Those are the items pulled off the consent. Councilmember morrison.

Morrison: I would also like to pull number 9 and related to 10 and 28.

Mayor Leffingwell: Number 9 is pulled by councilmember riley. Councilmember spelman.

Spelman: I would also like to pull item 13.

Mayor Leffingwell: 13 is pulled by councilmember spelman. So maybe I should read them all over again. Item 7 pulled my councilmember cole. Items 9, 10, 11, 12 and 28 pulled by councilmember morrison. 42 Pulled by councilmember morrison. 55 Will be heard after executive session item 59. And item number 13 pulled by councilmember spelman. And items 2 and 8 together are pulled due to a number of speakers. With that I'll entertain a motion on consent.

Move approval.

Smp moves approval, councilmember cole seconds. Any further discussion? All in favor? Opposed say no? It passes on a vote of seven to zero.

We'll go first to -- unless there's any special by councilmembers, we'll go right down the line. Wally hear items 2 and 8 first pulled for speakers. And we have 21 folks signed up to speak on this item. First is kimberly russell who is signed up for. Kimberly russell. You have up to three minutes.

Mayor and councilmembers, thank you for allowing me to opportunity to speak. My name is kimberly russell. I am the owner of kk cube deconstruction, part of the package for the holly power plant. Dk cube applied for a wbe certification for the city of austin february 15th, 2011. I found out tuesday may 10th our application was denied. In discussing the reason for the denial with the application reviewer, I was told the main issue was the structure of dk cue. It is a limited partnership with a general matter llc. Our reviewer explained the llc general partner --

Mayor Leffingwell: Just a moment. Pause the time. You will have to ask you -- I will have to ask you to remain quiet in the back so we can hear the speaker. Thank you. Go ahead.

Dk cue sheriff's department a general partnership with a llc. The review explained that llc general partner is not a socially or economically disadvantaged person. I was told it was irrelevant that I was a 75% owner of dk cubed general llc partner. Because the general partner is still an entity. She informed me the only way to work around this structure would be for the partnership documents give more control over partnership business to the limited partners. This is not an visible solution because when a limited partner becomes an active partner, he or she loses the liability protection provided by the limited partnership in accordance with the texas business organization code. All that said, dk cubed is a certified historically yurnt utilized business from the state of texas and I hope you will take that fact into consideration when awarding the contract for the holly power plant. Because this increases dixie's

minority business participation to over 50%. Thank you so much for your time.

Mayor Leffingwell: Thank you. Next speaker is claudie hendrickson, signed up against. And donating time is adrian? So claudie, you have up to nine minutes and you're signed up against.

Thank you very much. Good morning, everybody. Thank you for letting me come and speak today. My name is claudie hendrickson and I own dixie equipment and dixie demolition. For the record I have a mechanical engineering degree from the university of alabama and an mba from university of chicago. Dixie equipment and dixie demolition are a specialized boutique firm that specializes in decommissioning and taking down power plants. It's what we do. As a matter of fact, 60 miles from here in rockdale, texas we disassembled the number two unit at the alcoa with a sandow plant and shipped it to chile for review down it's about twice the size of the largest number 4 unit at holly power plant. To do that we had had to disassemble the unit piece by piece and match mark each unit and put them in containers for shipment. This is what we do and we've done it safely all over the country. Holly street and the alcoa with a project have many similarities like a 1200-acre lake on one side, a huge switch yard on the other and the challenge of an operating power plant 50 yards away from the area that we were working in. We know how to perform in challenging environments. In my opinion holly street is a dismantling project not a demolition project. While the holly street units are not for assembly off site like rockdale was, we treat it as a dismantling project because of the specifications outlined in the bid packages. Each piece must be unbolted from the unit and lowered by crane to the ground. A controlled accident is required for each piece. This means significant rigging and train work for 14 months. Large boilers like the ones at holly street are top com, meaning they're hung from a large structure. This is due to the fact that when the boilers are fired up they grow down due to thermal expansion. In order to disassemble units like this you have to support the furnace from the bottom so you can take the weight off of the structure to disassemble it properly. We have a lot of experience in this type of deconstruction. If you don't do it right and you don't do it the right way, accidents can happen and people can die. This kind of disassembly is complex and therefore very expensive. This is what we do and we're pretty good at it. Look, our price is fair. We relied mainly on experience that we have developed right here in texas doing these exact kinds of projects for utilities to arrive at our bid price. We actually do a lot of the work ourselves, but we also rely on local contractors who are realistic about costs. We do not want them to be in a position where they're losing money on a job. When you start losing money, pressure increases, corners get cut, mistakes get made and people get hurt. Speaking of hurting people, one thing that you should know about us, the dixie company, something that doesn't show up in the matrix, is our commitment to safety. Dixie has never even had a recordable incident. Let me say that again for you. We've never even mashed a finger on a project, much less had a fatality. It's how we define our success on a project. It's how we define our success as a company. We will not compromise on safety. We will not hire subcontractors that compromise on safety. Right up there with the safety of our people is the safety of the environment. I don't have to tell you the importance of the environmental aspects of the holly street project. It's located under a neighborhood next to a baseball park and it's right on lady bird lake. Like safety, we will not compromise on environmental protection. Our subcontractors will not compromise on environment. -- Excuse me. Our subcontractors will not compromise. So underscore the importance of the environmental aspects of this project to dixie we have engaged terra con to provide an additional oversight of expertise. Terra con has worked at the holly power plant in the past. Their familiarity with the site coupled with the experience and insight of ashley mcclain of cox mcclain should provide dixie with the best team to handle environmental matters on the site. This is one area where we cannot be too careful. Dixie has been responsible for successfully abating almost eight million pounds of asbestos in the state of texas over the last six years. We have never had a violation. It's because we do the job right and we do the right thing. We are not willing to take the risk of exposing the environment around the holly power plant by cutting costs by treating one type of insulation differently than another. If you pick dixie all insulation will be treated as asbestos because it is not worth the risk to the neighborhood. I am proud of the team to this project that include green environmental, cox mcclain environmental, terra con, dhl, triad building services, travis paving and excavating, harper construction, be neat construction. Consolidated crane, (indiscernible), tino's trucking. Haynes, eggland and waters and estil

will to communications.

> Our mwbo communication 67 percent on the seconded by that we turned in. It will increase to almost 50% because one of our subcontr mwbe. We have 25 percent hispanic participation, 14% african-american 82 percent women-owned participation and three percent native american/asian participation. That's a pretty good number for a pretty big project. One of my hobbies is flying world war ii fighter air crafts. I have one that I keep over in rockdale. And one of the things I do before I get it in every time is I pull out a checklist and I go through that checklist to make sure that everything is exactly right before I can take off. Ricky gains, my vice-president of both companies, dixie equipment and dixie demolition, will be on site all the time and I will be too. Either one of us will be there all the time. That checklist that we've taken from aviation and applied to dixie equipment is involved in our health and safety program. It's about four inches thick. It has a checklist for everything we do on our daily walk in every one of our job sites. You won't have to come looking for us in massachusetts or somewhere when you've got a problem or you need help from us. In conclusion, this is what we do. We have the know how and we have the experience. Not only do we have the experience to do the work, but we have the experience to price it correctly as we have shown in the past two bid applications for the holly power plant project. We believe our price is fair and we're willing to sign up today to a fixed price contract without any change orders. Look, we think that getting the best price is important, but I think that quality and integrity play a part as well. Thank you very much.

Mayor Leffingwell: Thank you. Next speaker is don McGLAMOURY. Donating time is celia mcnabb. Miguel moreno, tom nessbit, rich parsons. You have up to 15 minutes.

Thank you. Good morning. MY NAME IS don McGlamry and I'm the intrpt for mc demolition. Any mi company is among the largest and most experienced demolition countries in the united states and we are currently in one of the same projects in the united states in laugh land, mef mef. I want to thank you for the opportunity today to speak to the holly power plant project. My company has bid this project twice. The first time we were the low bidder. The second time we were the second to low bid. Over the course of my 20 years in the demolition industry, bidding and winning projects like this, I've never seen a process as seemingly unfair as this. For that reason I would like to ask some questions i think council should be asking to ensure you are making the best decision possible on this important and sensitive project. I'd like to begin a the fairness of the process. Last week I sent council a letter illustrating many of my concerns. I hope you had an opportunity to review that letter. Trc has been treated as though it is the only bidder processes, including an hour on tuesday to explain their bid while others were not. I'm curious why that is and does that really seem competitive? Because I'm not afforded the same opportunity as trc i will be brief with my frequents. Based on my comments -- based on comments by trc representatives tuesday in your agenda, working agenda, it seems like they're more interested in winning this project based on who they know as opposed to standard industry criteria such as price, safety and experience. I'd like to touch on the evaluation process. First, it's remarkable that safety was not scored in the evaluation process. Safety is a bedrock of our industry. As a result, you may not know that trc and its subcontractor, lvi had a double fatality on a project in san francisco almost exactly like holly street project. We have never had a fatality or serious injury on these types of projects. My question is why was there no value placed on safety in the evaluation process? Questions have been rightly raised by the council about who participated in the evaluation process. Do you know now? We don't. And do you know the qualifications? This work is highly technical and highly specialized. Do you know if they were experienced and capable of making the informed assessments of the proposals for this type industry? Lastly, regarding the evaluation process, and this is kind of a pet peeve of mine, through the conversations you guys have had it's always been the price was 13 points. It's actually 18 points in and it's 25 points in the second purchase, just a point of clarification. Now I'd like to discuss change orders. You'll recall after the first proposal was submitted and then made public, trcgm mike holder himself stated the only way the project could be completed at ncm's price, our price, is with multiple change orders. Now they have dropped their bid down to a pricing level at which they said would require change orders. I would like to state as i did in my letter to you last week, ncm is willing to cap change orders at the five percent owners contingency exclusive of the enterprise work. This will save the city and taxpayers much exposure. Will other contractors do the same? Obviously dixie will. The question is will

others? Let me go through trc's bid process. Essentially they've been caught in a lie from their first bid and they are now trying to pin it. In their first bid they said it could not be done in that price and now their second bid has been reduced to our number. This is clear validation that ncm is right on price and best understands the project. To someone familiar with our industry and this project, trc has never adequately explained their decrease. First when asked by the utility committee, they had no response. Then the response was we sharpened our pencil, which obviously is not an acceptable response. The electric utility commission rightfully said, quote, this stinks and voted not to recommend trc. Now here we are and staff has given trc two additional chances to find excuses to explain their wild price swing. At the very least these additional chances generate the perception that staff is creating an unlevel playing field to ensure trrk wins this project. Specifically regarding the price decrease discussion upon reviewing the video of your working session on tuesday several issues came up. There was not a change of the utility commission's agenda break down? I did this reconciliation and that reconciliation I found dropped its price, but there's been no discussion of which costs were reduced and by how much t.r.c. reduced them. There has been discussion about four items that I'll touch on later that three of those items lbi is doing the work. That would be the salvage credit and (indiscernible). And the fourth one, which is subcontracting that out. Lvi dropped its price \$6.095 million. Its explanation to that is that they dropped three million in the treatment of non-asbestos installation. Three million in salvage and five million dollars in transportation. Add that up, that's 6.5 million. Which is more than the 095 million reflected in the bid. To put this in perspective, lbi's price for asbestos and dismantling is now \$2.439 million. Ncm's price asbestos and non-asbestos environmental alone is more than that. Even before factoring in the cost of dismantling. This clearly means the representations of price is untrue or they will make up the difference in additional change orders. has been caught in a lie and they are trying to spin it. Unfortunately for them, when the numbers are analyzed in detail, they just don't add up. Now I'd like to talk about the items and the reasonableness of explanations. claims that they dropped their price three million dollars in scrap decrease due to hedging they're doing in london. That sounds impressive, but unless this is a private placement that nobody else in the world knows about, it's not possible for the first, the london metal exchange does not have a market for scrap that can be hedged. Second, we talked with investment brokerage houses and large metal recyclers, the major scrap recyclers that we, our competition and all other companies in the united states who have steel by-products send to them, and they do not know of any hedging markets. It only stands to reason that these companies would be hedging if they could as they can become far more exposed than any one demolition company can become since they process hundreds of thousands of tons a month. If a market could be made it would begin with these big companies. If you use the actual price fluctuation from the first, the delta is about 8 million as I outlined in my letter in council, not three million dollars. Secondly, trc discuss add 500,000-dollar savings for transportation. If they are hedging the scrap and delivering it local, the recycling company will eventually have to deliver it so the 500,000-dollar charge is a true cost to someone unless the place they're going to deliver it is going to refine it as well. Because austin has no scrap steel refining facility, the material will have to move again and there will be transportation charges. If it is sent local, the local dealer has to incorporate those transportation costs into the price they are offering trc, thus trc would get \$500,000 less for the steel. Also as I said in my letter last week, austin pricing for scrap is always lower than houston, the place they were originally going to go. pays the transportation or they would get a lower price for the scrap locally so somebody else can pay for the transportation. There is no such thing as free transportation, so there's no way trc can just make up that \$500,000. Next I'd like to talk about 5-million-dollar decrease in silver work. This is perplexing to us as in our opinion the clarifications in the second made it more difficult and costly. Both dixie and us increased our price on this, yet dropped their price \$1.5 million. I have no real hard evidence, but having prepared and won numerous projects like this over my career in this city, it does not pass the smell test and I'm very suspect of the justification. The last one I want to talk about is the non-asbestos installation issue. Big picture they're saying there's a three-million-dollar credit. Well, ncm's total asbestos number install insulation. Half of it would not need containment and pipe installation is about 25 percent. So there's no savings to them because -- when I say in containment, that's because there's asbestos right next to it, so they will have to contain it anyways. I've done calculations which you can see giving them reasonable -- actually, conservative credits, probably up in the credit amount a little bit to make it -- to shade this towards lbi's side. I know there's no possible way that the number can be \$3 million or even close to that. I would ask what has staff or council done in the past 's presentation to corroborate the

accuracy of trc's explanation? To recap these points, claims it will save eight million dollars. It is easy to see at least four million of this explanation is not true or accurate. One thing identified early 's share of the price dropped about 6 million from their first price, approximately the same value of the inaccurate representations I'm discussing here. Why has there been no discussion of this? My professional assessment they are using these explanations to try to hide 6-million-dollar drop 's share of the money. It leads me to wonder if there is an effort to cover up a failed attempt, possibly gouge the city in the first r.f.p. In closing, based on the information I've provided in my letter last week and here today it is obvious to me is trying to take advantage of the city and your taxpayers. Is this the kind of contractor you can trust? Is this the kind offering at the rate you want in those who do business with the city of Austin. Would you trust that company to work on your home? In other words, if a contractor offers to complete work on your home for \$19,000 and another offers to do it for \$12,000 and the first one comes back and drops the price to \$11,000, would you trust the honesty and irregular rate of the first contractor? This was brought up at the EUC and to me it's a very good point. Because this is a complicated project with many technical and safety related considerations and costs, it is easy for TRC to obscure the facts and the wild price swing and try to win this proposal through confusion of the true costs and issues. It takes an experienced eye to work through the explanations and identify their inaccurate representations as I have tried to do in this brief presentation. Through the two r.f.p. processes, NCM has presented what could be reasonably considered the most consistent proposals demonstrating our clear understanding and scope of this sensitive project as well as our best value to the city and your citizens. In fact, we're so confident in our understanding of the project I again state that we will offer a five percent cap on change orders other than the unit price work consistent with the schedule put on by -- with the contingency put on by the staff. In conclusion we ask the council not award the today, but to ensure a competitive process, allow NCM the opportunity to present our full proposal on qualifications to council. We are confident you will determine NCM is the safest, most qualified and cost effective company for this project. Thank you for your consideration.

Cole: Mayor, I have a couple of questions while the NCM representative is here. Hi. We really do appreciate your testimony and a lot of the things that you have pointed out, but I have a couple of questions for you. First, there was one that was above everything else you said. You said that what led to this contract was being awarded based on who you know. And I want you to know that we have a city integrity officer, but more importantly we have a city audit officer. So that information needs to be followed up on and it never needs to be said if you don't have adequate evidence for it and you're not willing to bring it forward. Second, because that goes to our procurement contract process beyond this award second, you said that there was no safety procedure being followed. And I wanted to know what you were getting at because clearly safety is the second or third item in consideration.

Evaluation. There's no points for safety.

Mayor Leffingwell: Do you want to talk in the microphone.

There's no evaluation points for safety in this.

Cole: Oh, I see. So there is, but it's not the same as the other items. Okay.

There's a big difference in the level of safety between the contractors and no value was given for that. .

Cole: And the last question is you talked about a five percent cap on change orders. And we have a policy, but I want to understand how your cap on change orders would differ.

Similar to what Dixie said, although they said they wouldn't even use the five percent, our presentation was that we would use just five percent and there would be no more change orders other than that. A fixed price at our price plus five percent.

Cole: So five percent of the total contract price, not five percent of profit.

Five percent of the total contract price, which is consistent with your contingency right now.

Cole: Okay. Thank you.

Mayor Leffingwell: Gavino fernandez. Signed up for. Donating time is alist I alicie is a rendon. Mr. (indiscernible). Edward rendon junior. You signed up four times, but you only get to sign up ones. So you have up to 15 minutes.

Good morning, council. My name is gavino fernandez and I'm coordinator of el concilio, a coalition of mexican-american neighborhood associations. Also I'm a member of the holly decommissioning committee that was created by the neighborhood associations, and more specifically members that are landowners adjacent to the holly power plant. For example, I live two lots west of the holly power plant. As we all know someone has more power than us. Today there's a sign out there that this whole process needs to be watched. That's why we have a lot of rain today. This whole process, to know and to learn that safety is second or third is an insult to us. Because it should be number one. For 45 years our people, segovia, was a strong fighter against the holly power plant because of the noise, the pollution, all the negative environmental factors that that plant emitted -- that that plant emitted for 40 years. The same reason that many of you at some time opposed 10 or 11 power plants being built around central texas. Yet you didn't have the political courage to say we don't want it there because we did it to our people. Our poor people in our community. And it shouldn't be done to others. I am concerned about the issue of asbestos versus no asbestos. This is a power plant that has been sitting there for 40 years, it has been imbedded for 40 years. We're not taking down no canopy. I am concerned that there's a liquidation in the fencing, in the transportation. What does that mean? How approximate will it impact us the neighbors that will have to deal with this whole demolition for almost a year and a half, if not more? We want you to select a company that will deliver safety, quality, and the opportunity for jobs from that specific neighborhood. And that neighborhood by the way has a name. It's called east town lake citizens neighborhood association. And to the "austin american-statesman" editorial board, it's not they. They are human services. We are people. But every time they write about holly, it's they or that neighborhood. Well, that is our neighborhood association and they is us human services that have lived and have dealt with this environmental racism that was imbedded in our community in the 19 60's. It's because of that whole history that this council should honor and respect that longevity of this environmental racism and not go to a one dollar store and find someone to tear down the holly power plant. Three of you are on the campaign trail, which gives me opportunity to encourage our people in our community to go to the ballot box if you did not do it during early vote. This is a time to go into that box and evaluate your performance on that dais and how your performance has impacted our lives in our community. This is a time where we don't go and protest and bring a sign. This is a time where you have the power to make a decision as to whether you three will continue to serve as trustees of our government. The people in community are very, very concerned about how this whole process has evolved. There are many, many unanswered questions as to how this whole process is going to work. Only you, staff and certain individuals, because it's not complicated, but it's privy information know that. But when -- when the public elected you, we embedded that trust that you would represent our interests, our public safety interests. We have patience and endurance and that's why after 500 years we're still here and we're not going anywhere. As a matter of fact, we're going bigger. That's why many of us fear going to single member districts. And this is another reason why we need to do that because we don't have a champion for our community that can say no, we're not going to do that. We're not going to compromise safety like we don't compromise safety in west austin when it comes to environmental issues. When this first came out and the first price came out that was the first thing that was ringing, that hit the screen, if you will. And many of our environmental friends as well. So we ask you to select a company and to negotiate and involve those that are going to be affected so that we can know and we could give input of the no asbestos and to the issues of transportation. But transportation is a very serious concern for us because we have children that walk from metz elementary school. For the last three years we have had three cip projects where you have 18-wheelers, where you have committee trucks coming and -- semi trucks coming and rushing and trying to

get more hauls for more money and where safety is no issue. And we've had to call and continually call and keep a vigil on these -- vigil on these drivers because they tend to violate many of the rules they said they would comply with when they accepted these jobs. I want to thank austin energy staff for its time investment and for their wisdom. In putting this whole package together. But like he said the buck stops here. You are the ones who will make this decision. And I -- for the record we're not here endorsing any company. We're here endorsing the safety of our children, the safety of our senior citizens and the quality of life in our barrios. That's what we're here for. By the way, before I forget, -- by the way, before I forget, boycott of MAY 21st, WHICH IS ANOTHER Insult that our government has placed on our community. By putting liens on poor people's homes if you fix them and you get 50,000, but if you make a over 30,000 -- a 350-dollar contribution to a campaign, you can get up to \$180,0 -- no lien, no accountability. IF IT RAINS ON MAY 21st, \$45,000 is written off. Yet others can't get no money because you want their land. If you loan them \$50,000, you want their land. The cdc has three members on its committee that receive hollywood mitigation funds. So anywhere from 10 to \$20,000. And they were very bold and said we need liens if we're going to increase it to 50,000. I said why don't we put a lien on you? You've got \$20,000. Oh, that's another thing. Quality is very rarely at the top of any project. And that's why we decided way before to embark on this whole campaign of getting the vote out because that's the only way that we're going to be able to make a change. And I do want to thank mayor pro tem for helping sponsor the get out the latino vote at parque zaragoza. Thank you, mayor pro tem. You know I work for an elected official. We live and die by the vote. And if our people don't go out and vote, we will continue to see these type of projects where there's no consideration given to the people that are most affected. By this time we were hoping that half of the plant should have been torn down, but we're still waiting. This is a huge building that is going to be knocked down. I live two lots. I haven't seen any safety issue regarding debris blowing to the west and possibly hitting one of the homes. I heard that the fencing. What does the fencing mean? You know, that we're not going to have, you know, fencing? Is it going to be just tear it down and wherever it falls it falls and we just hope it doesn't fall on you? I read that for \$20 million the voters of austin voted for a bond to construct the holly power plant. So for all those 40 years, we're whining and we're being very critical about not having to pay for safety and for quality. Why don't we go to home depot and give them a shovel and pick and start on the power plant if you want to go that cheap. And we do meet once a month at metz recreation at on the third tuesday of the month, the holly closure committee. Everyone is welcome, the whole public is welcome to attend and learn. And ask questions of austin energy staff. As to the progress and the ongoing of the hollywood. And I want to thank john moore and juan garza, the last general managers, who afforded us that respect. To be able to communicate with the general manager of austin energy as this whole process walks down the lane. And now with larry wise, who has been very, very receptive and very helpful in us navigating this whole process. So I'm going to leave you with this because again, I'm going to bring in my commissioner assistant's role. There was not one cip project at the county where there were never any change orders. That's wishful thinking. And like I say, this is the holly power plant that's been there for 40 years. If you just take the little issue of remodeling the home, when you remodel the home, when you fix one thing, something else turns up. And you fix that and then something else turns up. So there are going to be change orders, believe me. So I hope you have two lawyers up there and I hope you aren't going to be misled by saying that, you know, it's not going to happen, because it is going to happen. And I just want to say that we need to move on, we need to do this, but keep in mind, council, the safety factor because you think \$11 million may be a lot. If something dramatic happens in regard to safety, 11 million is a far cry from what we're going to pay as a government for failing, for failing to pay that extra price for safety. And in this second round of bids those have been liquidated, those have been minimized -- [buzzer sounds] -- but just keep that in mind. Thank you, mayor, for the opportunity to address you. Thank you.

Martinez: Mayor, fernandez, can I ask you a question? I just want to be clear because everyone that signed up said you were in favor of the item. So -- I want to make sure because I didn't understand until almost the very end where I think you said you're ready to move forward. You just want to ensure that safety is a very high priority for this project.

That is correct. We've been waiting for too long, mayor pro tem. And we want you to award a contract

today.

Martinez: Thank you. And thank you for all your service on the decommissioning committee and all the other members, please thank them for us. [Applause]

Martinez: John torre. He has signed up neutral. You have three minutes.

I probably first should say that I didn't study it as much as I should have, so that's why I said neutral. And there's another reason. I actually for one think that that building is a spectacular building. For me the problem with the plant wasn't the looks. There are times when if you look from across the river it looks like a steamboat all lit up. It's really a beautiful structure. And on the inside there's so much volume for installations, art installations. It could be an international draw. I think it's like the eiffel tower laying down on its side. That's not really the point here today. We're at a different decision point apparently. So first I'd like to say gavino, the east town lake neighborhood association, I want to give them credit. They really have been there. When I first came -- I've been in austin about 35 years. When I came on the east side of town about 25 years ago, and the people that I saw actually working with children in the street and actually protecting town lake, keeping stores and electric boats off the lake, leaving it to be probably the most beautiful spot in austin in downtown, except for maybe barton springs. And I'm a swimmer, so that's big for me to say that. I really believe in these guys and women over here. And so I think that I'm going to go along with what he's recommending. And I will tell you what it's been like to live I have two young boys, 11 and 13 now. What I worried about on a nightly basis was if we heard a loud blast coming from one of the jet engines which powered the plant, we had to come out in the street no matter what time it was and see if there was going to be a fire, to see if there was going to be an explosion. So that was -- that was the more dramatic kind. Less dramatic is on a day like today when that smokestack was pumping out carcinogenics and what all, what would happen, it would hit the cloud and then would come down on our neighborhood. And so we were continuously rained on with smoke. And we did have a high concentration of cancer in the community that was taken as a survey by susana almanza, I believe. And it was very well done, scientific. And I was happy about that. And then the city came and said well, we'll go ahead and back that up. Unfortunately I presume it was accidental, they did a similar study to see whether we were being -- there was more cancer in our neighborhood than say the rest of the community. What they took 78702 -- [buzzer sounds] -- and --

Mayor Leffingwell: Your time has expired.

I'll just finish the point.

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May I finish the point?

Spelman: Mayor, I'd --

unfortunately they took 78702 was, which is from town lake, and skewed the sample.

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Mayor Leffingwell: Thank you, your time has expired.

We really need that asbestos taken --

Mayor Leffingwell: I have cut your mike off. Your time has expired.

We really need that safety issue taken into account.

Mayor Leffingwell: The following speakers are signed up for, not wishing to speak, but willing to answer questions. Mike holder. Paul saldana, carol hadnot, marthaly moan, david (indiscernible). Elizabeth quintanilla, robert martinez, junior, alene johnson and megan deluna. Those are all the speakers that we have signed up.

Spelman: Mayor?

Mayor Leffingwell: Mayor pro tem.

Martinez: Thanks, mayor. I wanted to ask someone from I don't know if it's holder or whoever can talk to the issue regarding safety measures that will be employed during this project. And what you're willing and capable of doing in relation to conveying that and working with the neighboring community.

Thank you for having us address that. And I appreciate the fact --

Martinez: Would you introas yourself?

I'm david (indiscernible) and this is mike holder our project manager. I would like to say at the outset I appreciate our -- the other submitters' comments. I don't think they're as privy to the details of our approaches and pricing as they may think they are. And as it relates to safety, for them to characterize that we don't believe -- that we don't take extraordinary safety measures on our projects is a definite mischaracterization of the fact. Our association with lvi has a built in layer of safety because not only does lvi first and foremost approach these jobs with their own safety protocols, but they also work in concert with us under a unified health and safety plan. And we provide additional oversight and suggestions and we meet every single day and discuss safety at that site. We meet every single day and discuss what needs to be on our look ahead items so that we're preparing for each additional activity and the safety elements that have to take place. When we take -- when we pick items from that plant, we use -- we treat them as critical lifts. Every one of them is engineered and is checked by a third-party engineer. So when -- when we went from the the first submittal to the second submittal I can tell you not one element of our safety program was compromise understand that rebid. -- Compromised in that rebid.

Martinez: Thank you. Mayor -- well, councilmember shade has another question for him.

Shade: Can you speak to specifically the asbestos change and wait that you approach that? The way that you approach that.

Regarding the asbestos issue, the non-asbestos bearing material in that plant will have means and methods approach that relates to their removal from this facility that are compliant with the law, that will minimize and eliminate fibers reaching the atmosphere and venting into the winds, into the neighborhoods. You don't have to necessarily take those -- that insulation out under containment if it's not asbestos bearing. But you still have to make sure that it's wet and you still have to make sure it's not going to get airborne and we intend to do that.

Martinez: Mayor?

Mayor Leffingwell: Mayor pro tem.

Martinez: Obviously this project, not only this project, this plant has a long and storied history and so now this process has also joined that history. But I do believe that we took appropriate action back when it came to us the first time and now we're potentially saving \$10 million or more on this project. I do understand the safety risks that have been raised and those are of great concern to this council as well as the community and i assure you we'll be monitoring this and ensuring in every way possible that it is done safely and correctly. But with that I think it's time to move forward as well. This project is way long overdue. And so I will move approval of items 2 and 8, mayor.

Mayor Leffingwell: Motion to approve items 2 and 8 tolling by the mayor pro tem. Is there a second? Seconded by councilmember riley. Further discussion?

Spelman: Yes, mayor.

Mayor Leffingwell: Councilmember Spelman.

Spelman: I would like to ask questions of city staff regarding the cost and the issue of change order just for a moment. Rosie, I just did a back of the envelope calculation and wanted to see whether my math was roughly right. Is offering in this proposal of 11 and a half million dollars, give or take, is that right?

Yes, that's correct.

Spelman: Okay. It's not included directly in the backup. I thought I calculate it had correctly, but it's a lot cleaner if you can tell me what are the prices of the next three finishers?

Give me just one second to pull that up here, please. Are you ready?

Spelman: Yes, I am.

Okay. Dixie demolition -- Rosie True Love, the director of contract and land management. is \$11,502,518. The price for Dixie demolition is \$14,977,500. The price for Urs is \$15,854,505. And NCM demolition and remediation is \$12,303,500.

Spelman: Okay. That was almost exactly what I had calculated, so I feel more comfortable with what I'm about to ask you. Is 11 and a half, there's been a lot of discussion that will have to -- may want to recover some of that loss expense through change orders. As I understood it from our discussion on Tuesday, the maximum change order -- the maximum sum of change orders that the staff could authorize and execute without coming back to council is five percent. Is that correct?

That's correct.

Spelman: On the price that TRC could charge us without council seeing this 5.05, the five percent increase, which I have coming out to \$12.1 million.

That's correct.

Spelman: Which is cheaper than the price without change orders offered by the other three contractors. Is that correct?

That's correct.

Spelman: Okay. The maximum change order that is allowable by law is 25%, that is correct?

That is correct.

Spelman: Even if the city council approves maximum change orders just as far as we can go, we can't possibly go further than 25%.

Without there being -- after discussion with the attorneys yesterday, there are some instances where you can go above that, but they're primarily health and safety issues, and if we need to have further explanation of that I can bring up our assistant attorney general, Gordon Bowman, to discuss that, but the state law maximum allowable in general construction is 25 percent.

Spelman: In your experience, Rosie, have we ever gone beyond the 25 percent?

Not typically, no, sir.

Spelman: Not typically?

Well, I don't know that i could speak on all situations. If we were going above the 25%, I think it would be in terms of a settlement or something along those lines and that's not -- that's by far the minute minority of your contractoring.

Spelman: So it's extremely rare and only if there's some sort of ex-is a gent circumstance.

Correct.

Spelman: So 25 is effectively as far as we'll go. If we got a 25% change order the maximum we would get to 4 million, which is still cheaper than the bid price for dixie and urs, although it is more expensive than the bid price of the fourth finisher, ncm.

That is correct.

Spelman: Does that sound correct?

Yes.

Spelman: Okay. Last question. Is there any way in which the contractor can shift the costs from the contractor to the city under the contract that we're offering here? Is there any way that they can get out from some of these costs and shift back back to you guys in the studio to the city and say this is your problem, not mine?

Not to my knowledge, no.

Spelman: So this is a hard bid price and when we negotiate a contract, whatever it is, if it's 5, then the maximum we can be up for even if we offer all the change orders is still going to be cheaper than the bid price without change orders of the next two finishers, is that correct?

Yes.

Spelman: Okay. There was one more question. This is a follow-up to the mayor pro tem's question and councilmember shade's question. You've seen the proposals. Is there any reason based on the proposals offered to believe that trc is going to be significantly different in its treatment of safety issues, in asbestos abatement than the other three proposers?

No, sir.

Spelman: Thank you.

Cole: Mayor, I have a few questions.

Mayor Leffingwell: Councilmember cole.

Cole: Rosie, I want to know if you have verified that this particular company has audited financial statements?

Yes.

Cole: And did those yield an unqualified opinion?

No, they were clean opinions from the auditors.

Cole: I believe that was true for all the companies.

That was. That was a requirement for this.

Cole: But it was a big concern that we had before and that we've gotten that cleared up. I also had a question about the mitigation costs, the holly neighborhood program because we talked a little bit about that at the last council meeting and that being a million dollars and generally for the neighborhood for mitigation environmental -- just mitigation for the environmental hazards. How long will that continue? Will it continue through construction? I'm asking that mostly because of the testimony that we received about the public safety issues.

I'm going to bring up someone from austin energy to answer that question.

Jeff bies, government relations with austin energy. Fiscal year 2012 is the last year.

Cole: Thank you, jeff.

Mayor Leffingwell: Councilmember shade.

Rosie, one other question following up on what councilmember spelman has been asking. What you think about the change orders, councilmember cole and mayor pro tem and i sit on the committees that we actually see change orders. But would there be any rationale for having change orders below that -- the typical five percent without having to come back to council? Has there ever been a precedent where we've had change orders come into the council as a whole and if so how would you do something like that?

If the project requires change orders beyond the five percent that's going to be the contingency fund that's authorized as part of this action item in front of you today, but it would come back through the normal agenda process, back through the electric utility commission and then to the full council for authorization.

Shade: I guess what I'm asking is instead of it being five percent should it be two and a quarter and anything above that you should come back to the whole council? Should we do something different here is what I'm asking? Because there's a lot of concern about change orders. I know I will be seeing them as a member of the committee.

that's a pretty low level of scrutiny that I believe it's better suited to let the project manager manage rather than having that level of scrutiny for the council to have to deal with on what might be a fairly regular basis. So I would encourage you not to do that. and again, we're going to be seeing change orders at our committee, but it's really important, the credibility on this bid is something we're going to be watching very carefully, so I won't require it but I'm definitely going to be watching it.

Council member, I know in my conversations with general manager larry weiss that they certainly are committed to providing any reports, financial and operational on how the project is going, and i would expect that to continue.

Shade: thank you. council member riley? thanks, mayor, just a couple questions for staff. Based on points that MR. McGLAMRI RAISED, First, while safety was the second criteria, it was simply a yes or no issue, why wouldn't we have attached a point value to safety?

We want safety for -- it's -- in the best -- the state statute that lays out what the best value criteria are, safety is not actually listed there as part of the evaluation criteria. What it is is it falls back to general construction bidding where it's a factor of responsiveness and responsibility, and so here we look to make sure that they have a safety program that we're going to consider as responsible, that makes them a responsible bidder, hence the gatekeeper nature of it. And then that makes it not an evaluated component of the solicitation.

Riley: okay. And secondly, about the evaluation team. A question was raised about the -- you know, who was on the evaluation team and what qualifications would they have had, given a highly technical and specialized nature of the project. Is there anything you can tell us about the qualifications of who is on that team?

Yeah, making sure that as we're putting together our evaluation panels for both alternative delivery projects like this, like competitive sealed proposals and professional services procurements, we're looking to make sure first and foremost that the staff that are put on that evaluation panel are technically competent in the area in which they're evaluating. So that's one of our first, you know, thresholds that they have to meet is do they have expertise in the areas. And for this particular panel everyone that was on there had expertise in an area that was critical to the success of this project.

Okay. Thanks. i would just comment on i agree totally with the way it's done, just a safety yes or no, the practices are safe or they're not, because obviously you could get into a situation where you could carry it to the ridiculous. What would be the safest thing to do. The safest procedure would be not to do it, not to get anywhere near it, so I think that the practice you have is the proper one. Council member cole? I simply wanted to speak to council member shade's concern and remind the council that we do have quarterly reports on water treatment plant 4, which is of course a much larger contract, but we can always specifically request that for a particular commit or we could do it for audit and finance and then if we're concerned about something go ahead and recommend it to the whole council. But I would support either if council member shade wants to do that. I think it would probably be a good idea for us to just post in general for the audit and finance committee what type of projects that have rose to the level that we want quarterly reports in addition to water treatment plant 4, and as you suggested this one, and then lay out a potential schedule for staff. current motion on the table. All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. Council, if there's no objection, we have a bunch of folks here waiting for item 13. I don't think there's any -- although a lot of people are signed up to speak, their not wishing to speak unless there's any questions. If there's no objection we can go to item 13, and i will just say -- pulled by council member spelman, so council member, the floor is yours if you would like to make comment while you're deciding on that, council member, I'll read off the votes that are signed up in favor, and as I understand it, not wishing to speak unless there are questions, and those are freddie dixon, hal cats, dolores hill yer, richard franklin, don tisdale, eleanor thompson, janice johnson and wendell williams. And correct me if I'm wrong on my assumption that you only want to speak if there council member spelman? my apologies, mayor, I was discussing this item with my staff. Do I have the floor? you have the floor. I have a question of legal staff.

Mayor leffingwell: okay. let me tell you what I want to do and you tell me the right instrument for making this happen. I believe this is going to be a good project. I think this is a good organization, and I support our moving forward, but i believe we owe it to all of the proposers for other social services contracts and we owe it to this particular applicant to ensure that there is a proposal in place which addresses all the important issues that we usually ask for in social services contracts. It doesn't have to be the same

proposal exactly, and it doesn't need to fit exactly the same criteria, but there are things which historically we have, in all cases I'm aware of, asked social services contractors to address in a formal proposal to the city. In particular, in the social services contracts we're going to be taking up in the briefing later on today, we have addressed the issues, the organizational capacity and experience, objectives, target populations, strategy, staffing plan and performance measures to be used, and the cost-effectiveness of the proposed work. And it seems to me that we would be doing better by the city and by the applicants themselves if we required some sort of proposal in advance of making a final decision on funding. If I wanted to ask the applicants to produce that proposal, what instrument would be necessary to do that, given that what's in front of us now is an ordinance change?

I don't think there is any legal instrument that's necessary for the council to take this action. So this is outside the scope of the rfp process for social services.

Spelman: of course. Of course.

So it's up to the will of the council to determine what they want as far as documentation for approving this item. As it stands now, it looks like it is a budget amendment, so it is in the proper format for the council take take the action today. So there are no other legal requirements that I'm aware of that the council would be required to have to approve this particular item. would oral direction from staff be sufficient to applicants had put the proposal together before it came back to us?

The council can always give verbal direction to staff. michael, here you are. Let me ask you. If I were to give verbal direction to you and nobody contradicted me on the daidz, I don't know whether that's -- dais, I don't know whether that's true or not, but I'll ask anyway, if we were to give you verbal direction that we wanted the applicant to put a proposal together, would you and other members of staff be able to assist them in putting that proposal together and addressing the issues I just raised a moment ago?

YES, michael McDonald, assistant city manager. We had always anticipated sitting down with the applicant as I said on tuesday, and they have always been committed to putting together performance measures that we were agreeable to as we move forward when we came back with the contract. So if the council as a body gives me that direction, certainly we'll follow through.

Spelman: okay. I also right now not only the issue of performance measures but as to documentation, whatever level of detail is typically required of social service contractors for organizational capacity and experience, objectives, target populations, strategy and staffing plan. Again, is that consistent with your understanding for what we could reasonably ask these guys to do?

Yes.

Spelman: okay. Mayor, I'd like to -- if lofton is about I'd like to ask him a question too. he is here. It's important to recognize that the timing on this.

Similarly, this is also targeting african-american community. It's outside of the social services contracts. We are opportunistic when -- this is not something we haven't already had a partnership also with aides. Aids so this is not a new partnership. I feel like to holding them up to a social service contract, which is a \$13 million rfp process that's been many years in the making, is -- you know, it's just the coincidence of the timing on this. This is something more for a couple years now we've been partnering with this group, we've visited their site. They have a unique opportunity on the lease that they have in the location. Council member cole facilitated the introduction for me to continue to look into this. I think probably most of us on the dais have looked at this. So it's not the same as contracting for all of our health and human services, which is a 13 -- you know, again a 13 million, hopefully even a bigger, and I just want to point that out. So I'm going to move for staff approval -- I mean, approval per staff's recommendation and appreciate the work that they've put into it, and i know that we'll be kept apprised as you continue the discussions with the group. council member shade moves approval. Is there a second? Council member

cole? I would like to second but I would like to talk to council member shade about a couple friendly amendments. is that a second for purposes of discussion? yeah, a second for purposes of discussion. Council member shade, in fact, the sickle cell anemia item, I believe mayor pro tem martinez and I brought the first year that we were on the dais pursuant to a budget amendment or a resolution, I'm not sure, but actually the gentleman that pushed for that became the national poster child for sickle cell anemia. I happen to know from visiting with reverend dixon lofton that this is a much grander vision, and I'm going to ask reverend dixon to come up for a second, and also mr. lofton. I'm thinking -- and i understand, as you know, the concerns of council member spelman, and one of the ways that I'm thinking we can fix the concerns on all sides is that if we move forward with the funding that the staff has recommended of \$150,000, and the additional funding of the \$60,000, the portion of that -- because I'm not sure that actually all of that has to do with social services, but whatever portion of that that is related to the social service contracts would actually go through that process. And I'm saying that for two different reasons, because i have talked about the vision, I know that some of it fits within social service, but some of it fits within other potential city departments, and to actually get there is going to take a whole lot of work. dixon to talk about some of that -- or michael -- some of that vision also -- and also shannon jones, is he here? Do you want to come forward a second? Because I think it's important, as my colleagues consider this, that we take the time to lay out that vision because I don't think we're going to get there without not only this potential funding but maybe funding and bonding with our health clinics. So first let me hear from reverend dixon or michael just about your whole vision.

Councilwoman cole, mayor, mayor pro tem, thank you so much. One of the things I want to say I'm very happy to be here today. We have a holistic approach to be able to address a number of systemic issues that we see based on our use and the community, and one of the things I am extremely pleased to share with you-all today, that we have a partnership with the city of austin health and human services, the travis county health and human services, and we have brought in a number of other institutions to be able to help us. I'm happy to say that we have the support of the university of texas. We have the support of houston-tillotson. We have the support of austin community college. We have a number of licensed counselors that are going to be working with us to be able to assemble a model that says that we will have a one-stop shop center to where kids can come, you know, monday through saturday, and we will give those hours at a later date, but we know that we will be there in the evenings, throughout the weekend, possibility even on sundays being able to deliver some services. So we want to be able to make a multitude of programs available to the community, and I have probably about 20 or so organizations and/or institutions that are going to be working with us to address a lot of the problems, so all this doesn't fall back on the city of austin but it's a community collaborative effort. And so I ask that hopefully that you-all would support this. michael, can you list some of your board members?

Sure. I'm happy to say that we have hal katz here with us today. Kelly evans is with us, ashton come berbath second, vice president, we have judge alfred jenkins, don tisdale, who comes from , that brings a multitude of experience. So we have the experience and the expertise of individuals that share the same goal and vision to be able to provide these services, and I guarantee to you, one of the things that I will say as it relates to my board, I'm surrounded by lawyers and professors, and so, you know, I'm very happy that we have that scrutiny on our board, and I think that is what brought us to where we are today -- well, michael, i want you to know that I know several members of your board, and while i appreciate their expertise and service on your board, i asked them to be listed because we are expecting contributions similar to what we are putting on the table from their organizations.

Yes. can you understand that?

Yes.

Cole: okay. So you know how I play.

All right. shannon, I think it's important that the rest of the council -- because we've had some discussions about this -- understand the particular area of the city that this facility is planning to locate

and the demographics from the health perspective and what you do and serve.

Thank you very much, shannon jones, acting director for health and human services. The concept of this location, the relationship we've had with them, is to focus in on a targeted area within the city of austin that has significant disparities in terms of health as well as social service issues. And the goal of partnership is to have that one-stop approach. In the facility our goal is to not only work with them but to also bring into the facilities on a routine basis once or twice a week our health services. So we provide screenings, we provide tutorial programs, we will provide a variety of wic services and other health services that focus on the disparities. In that particular zip code, zip code 23, and those surrounding it, we will find most of the causes of death in our city and our county. So the effort for working specifically in this area and specifically with this organization helps us to get at the targeted areas of the community where we have significant causes of death and disease in our community. So this is a natural partnership for us to do. The focus is on social services but really we're bringing in other partners, not just health department, but within health department we're bringing in our clinical services but also our wic services. With park and recreation we're talking about fitness and activities -- did we receive grants for those services?

We do receive grants for those services and those grants will help underwrite some of the activities we do at that location. and do you anticipate actual city employees at those facilities performing those services?

Correct, on a couple of days a week. a couple days a week.

Yes.

Cole: okay. The reason I'm on this line of question is because once we -- and I'm going to be, of course, supporting the item. One of the things that i told michael and reverend dixon when they laid it out, besides the fact of you know, I want you to do this, this and this so that I'm comfortable with it financially, was, michael, this isn't enough money. Do you remember that? And I said it wasn't enough money to accomplish your vision, but that didn't mean that the city of austin was going to fund it. It just means that other governmental entities were going to have to step up to the plate. But also I remember we called shannon in to one meeting and talked about what we were anticipating just for the city and the planning that you do, long-term planning for our health needs. So that being said, I want to specifically ask not only that the \$60,000 that when we pass this item is anticipated into the future, THAT achieve McDonald and you and bert lumbreras try to look at that in terms of our other departments and what other social service agencies do, because I do feel strongly about the idea that african-american organizations receive much more scrutiny, and I don't want this organization to receive that scrutiny because we haven't jumped through all the hoops to make that happen. And I am certainly willing to help make that happen to what extent that I can, but I think you understand what I'm saying. So the documentation that council member spelman is asking for or the partnering that actually needs to occur with the county and aisd and others, I'm happy to make those calls and those visits, but that has to be a part of the future program.

And that was our expectation and our efforts to work with partners as well as -- in working with them to see where available -- other federal grants are available to be able to support the efforts as well.

Cole: okay. Thank you. council member shade? mayor, I was just going to move approval if we've got -- I don't -- second for discussion -- we already have a motion on the table. You made the motion. I didn't know if she second today or chris seconded it.

Cole: it doesn't matter.

Mayor leffingwell: right. You made the motion. she didn't change -- you made the motion, council member cole seconded the motion. All right. Council member spelman. I'm not sure who to inquire to,

but I'd like to inquire as to the status of the direction to staff. is the additional direction from council member spelman acceptable to the maker and the second? I really didn't understand beyond what it was you were asking. I mean, if you're asking for this not to be approved until some sort of additional proposal is provided, then no, because we already have a working relationship with this organization. If it's that we're going to take the direction as we do with every contract, that we make sure we have outcomes and that we continue that relationship and address some of the issues that you raised, well then -- i thought that was your direction -- I couldn't tell if your direction was contingent upon some sort of proposals that mirrors what the social service contractors have to provide or if it is something else. I didn't understand what you were asking. all I'm looking for here is that this particular project of this particular contractor be put through the same scrutiny that we're putting all the social services contracts, as long as that requires a -- whether that requires a specific proposal or not is less important to me than that we have sufficient information on organizational capacity and experience, more important, what precisely the one-stop shop is going to do, who's going to staff it, how much it's going and so on, before that contract is executed. so you're not requesting that this come back for additional approval to the council? let me ask a legal question on that. I'm not sure I'm asking for anything special here at all. Is -- if we approve this item in exactly the way it kenard, would this come back to council for approval after it's negotiated or will this be executed without council approval?

It looks like it's a budget amendment so it will be executed without amendment because i understand there's already a contractual relationship in place with this entity. okay, so the instrument that the law department would be using would be an amendment to the contract with the african-american youth resource center.

Because it's a budget amendment, looks like they're amending that to increase funding to them. Correct.

Spelman: okay. So -- I see some people from law want totion in on this.

Deborah thomas with the law department on the

[inaudible] side. Council member, this is a budget amendment and it makes the money available. There is -- there has not been at this point authorization by council for negotiation and execution of a contract. I believe that would come back.

Spelman: okay. So there would have to be some additional activity, action by the council to authorize negotiation and execution of a contract?

Yes. don't they already have a contract?

Yes.

Can you speak to the city manager, please?

It is true, in fact, that we already have an existing contractual relationship lofton's organization, is that correct? That is correct, and we've had that for a number of years, correct? And it was my understanding that this appropriation was intended as an amendment to our existing relationship; is that correct? I'm not sure what there is to -- to -- in terms of the response you gave to negotiate. It strikes me as if this [inaudible] approved to authorize to go and do what's associated with this particular item.

I didn't know that there was a -- agreement.

Okay. council member shade. that we provide to council member spelman the additional information for the addition of this -- of the -- how we're amending this contract. I mean, in other words, with this

additional money they're talking about new things they're going to be able to do, so if you would like to see them clarify what it is that they're going to do, that's wonderful, I want to see that too, but if we're going to have to have some sort of complicated renegotiation process, instead of just adding to the existing contract, that's not what I'm interested in. I'm willing to follow staff's recommendation at this point, because my expectation is when we passed a resolution several weeks ago because staff has been meeting with these folks for many months now, that you already have a plan in mind of how you're going to spend that additional money and all we're doing here is approving that additional contract and you have something in writing as to what you're going to be doing. Isn't that correct, chief McDONALD? The conversations you've been having?

Yeah, we've received an overview from them and some specific ways in which the dollars would be spent, how they would utilize them, and then the next phase we were going to sit down with them and get a little more detail about what the outcomes and everything were going to be.

And we'll follow those outcomes per your suggestions, I would think. That would make sense. when that negotiation process is complete we'll know the objectives of the one-stop shop -- let me back up. The one-stop shop is not currently the scope of work of the existing contract with the african-american youth resource center; is that correct? This is a new project?

It's really an expansion of what they're already doing. You know, a lot of these services and everything that they recommended they're doing but it does give them an opportunity to expand upon some of the work they're already doing.

Spelman: okay. So this is a natural extension of their work but the one-stop shop is not what we have already funded in the existing scope of their contract. There's no place that says one-stop shop \$150,000 in our existing contract s there?

No, there isn't, but the one-stop shop term is what they plan to morph everything that they're doing and add some additional services in. I want us to know before you go off and negotiate and execute this contract, I want to be sure everybody is clear on what the one-stop shop is going to do, who the target population is. I think you guys can talk through it, but I want somebody to write it down, what the staffing plan is going to be, what the strategy is going to be, and what performance measures we are going to use. They're going to offer and we're going to use to verify that the one-stop shop is actually accomplishing its objectives. Is that your intention?

Yeah, our intention when we sit down to negotiate many of the things that you just answered there, we certainly plan to achieve. I would like to negotiate all of those THINGS, MR. McDONALD. Can you do that?

Well, if council gives me the direction, certainly we will. We will.

Thank you. We're going to carry out whatever direction we're given from council today, so MR. McDONALD IS REALLY Only in a position to acknowledge what you're putting on the table, on the floor, for council to consider. If we're directed accordingly relative to your comments, we're happy, as always, to carry out council's direction.

Spelman: okay. Council member shade, do you have any objection to what i JUST ASKED MR. McDONALD TO Do? so in other words we're going to approve this item today. You're going to discuss with the with the organization the specific outcomes we expect to achieve as a result of a budget amendment, the increase in funding, and you'll report back to us what the results of that are. Great. I agree with that. Thank you.

Spelman: okay. So you agree with the direction I just suggested TO chief McDonald? did I just not

explain -- I just want to be sure you understood. I think i understood it. let's try to follow will normal procedures here instead of just having a discussion around the table. So we have a motion on the table with a second with additional direction by council member spelman, which is accepted by the maker and the second. yes, and I'd like to, I hope, add some clarity because my specific concern is that we do not fund any o&m but we fund the city dollars like we generally fund nonprofits for social services and health services, and so what I'm asking -- chief, is there a threshold amount of either health services or social services that do not go through the rfp process?

Could you repeat the question? we're talking into the future with \$60,000, and I'm thinking that for their vision they need funding for social services and for health services, and I'm wondering, is there a cap that never goes through the formal bidding process that the other agencies go through. Is that 10,000, 20,000, or does all of it always go through an rf -- because i think there's some concern that it's too small a number and too onerous of a process.

Well, I don't know if there's a cap. I'm going to a staff to come forward, if there's a cap. I'm not familiar with a cap. I can address that.

Okay. yeah, we talked about a cap. council member shade.

Shade: sorry. I can answer that question. well, if you want to be recognized you are now recognized.

Shade: thank you. We discussed at great length the idea of a cap for social service contracts and opted not to include one this time.

Cole: okay. Well, I don't want to recommend that we do anything different. I just want to -- and see if it's friendly to that we specifically dictate that the future funding is used for either social services or health services and not o&m because I believe that -- and you'd need to answer this for me because you know better than I do, that traditionally those are not funded with government dollars. is that a question for council member shade?

Cole: yes. [Laughter] council member shade. I don't really completely understand your question. [Laughter] , and really where you're going with it. why don't you ask the question of staff.

Cole: okay. Mike, I guess as we look, that you will sit down with michael lofton and talk about how this money will be allocated and what we will do with it in trying to make it as consistent as possible with our other contracts. Can you tell me how we normally fund other nonprofits?

I'm probably going to need to let bert talk about the components of how we normally fund those other nonprofits.

Council member cole, bert lumbreras, assistant city manager. Actually, I'm going to ask vince, because in terms of the social service contracts, we did not cap the total amount proposed under social services. The question that I heard you specifically had to do with o&m cost, whether there was some sort of ceiling or some sort of cap associated with that. I'm not aware of any but I'm going to ask vince to specifically try to address that. my first question is do we normally fund o&m costs.

Sure. I'll have vince address that.

Council member, vince cabal as, assistant director for human services. And we do include rent and administrative cost as a valid operating cost -- valid cost in the social services contracts.

Cole: okay.

But the end product is services.

Cole: okay. That being said I have no additional amendments to council member shade, and my second. does everybody understand the motion on the table? one last comment. Council member shade mentioned a few minutes ago that there have been other cases where we have authorized amendments to existing contracts without requiring this level of information. And although I acknowledge that's probably true, although I haven't looked at the record I believe you. That was I believe an error. I believe in all future contracts if we are talking about an amendment for a new project, even if it's an organization we have funded in the past and are going to continue to fund it in a different project, if we're talking about extending that contract to incorporate a new project, we need to have a certain basic information about what that new project is in advance of making a decision to authorize funding. And so if this issue comes up again, exactly the same thing as I'm doing here but perhaps it won't be necessary because the city staff will help us do it. Thank you. all in favor of the motion say aye.

Aye. opposed say no. Passes on a vote of 7-0. [Applause] person person ally, I don't think we have time to get into any of the briefings this morning, so we can try to finish item 7, which has one speaker signed up. 7 was pulled by council member cole. Do you have a comment on it? mayor, I thought we had a speaker, juanita --

mayor leffingwell: we do. I just offered you the opportunity to speak first. Lisa byrd? And donating time is clarence goins. Clarence goins. Okay. So you have up to six minutes.

Good morning, mayor. City council -- just a moment. Could I ask the folks in the back to please hold your conversations until you get out of the chamber so we can continue the meeting. Go ahead, ms. byrd.

Thank you, mayor, good morning. Good morning city council and city manager. I did the cu -- good to see you. I'm very happy to be here in support of this item. My name is lisa and I'm here representing two organizations, pro arts collective, who will be one of the tenants in the completed building, and the african-american cultural heritage district steering committee. And of course both organizations have worked with city staff over the last year and a half or more to produce this beautiful building that will be a center that will -- that will include a visitors center for the district and also be the permanent home of pro arts collective, which is an african-american arts organization. So I'm just here in support and just really want to say thank you to city staff for working -- this has truly been, and we feel like really a -- a community, public/private partnership in the development of this project, starting with getting the bond issue back in 2006 and city staff with chief McDonald and sandra harkins at neighborhood housing and development, really worked with the community in producing this final product. So I just want to thank this time to thank you and thank city council, and sheryl, thank you.

Cole: you're welcome. thank you. Those are all the speakers that we have. Did you sign up?

Yes, my name was called, juanita stevens. no, you are not signed up, but you may speak if you want to -- but you have to sign up with the city clerk to speak. afterwards i think -- you can go ahead and speak now. Maybe council member cole has a question for you. That will take care of it.

Morning mayor, mayor pro tem and the council. Juanita steives. I am the board stevens, I am the board chair of the african-american chamber and like lisa who will be our co-inhabitant of this new building, we are very excited about the prospect of this. We have had a lot of help for about the last four and a half, five years from both council member sheryl cole AND FROM chief McDonald. They have been very instrumental in keeping this harkins at the city has been very helpful. This project is something that we are so looking forward to, and it will actually coincide with the chamber's 35th year in existence, so we're looking for when it actually opens, having that -- having our 35th year anniversary at the same

time that we open. So we are very excited about it. In the african-american community it is going to be very special. We are so looking forward to it, having that visitors bureau, we are -- I can't even tell you how excited about that we are. That is going to be the first that we've had, and I'm a native austinite, been here for 50 years, and that is -- that is huge. So again, thank you, councilwoman sheryl cole, for all of your support, and chief McDonald, thank you. mayor, I move approval. council member cole moves approval of item no. 7. Is there a second? Second by council member spelman. Further discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 6-0 with the mayor pro tem off the dais. Council member morrison, you pulled item no. 9. yes, mayor, and that's actually related to, if -- if I have it correct, it's related to 28 as well as -- do you want to address all those statement?

Morrison: yes, please. so we only have five minutes left. I hope we can do that in five minutes.

Mayor leffingwell: okay. All right.

Morrison: thank you. So it's really item 9, 10 and 28, and we had a chance to talk about this a little bit at the work session, and you at that point provided more information. So now that I've had the opportunity to look at more information -- also I know that there were a couple of questions submitted about it. Council member spelman submitted a question and it really relates to my main interest in trying to understand what we're doing here, and that is the -- the linkage between this project, which is called -- let me see if I can remember the name. It is called the sustainable community analytics software. Well, it has a lot of different names.

It is very bureaucratic.

Analytics project, and you explained that it's going to be about looking at demonstration projects and using super-computers to i guess analyze them and looking at return on investment and impacts and all. So my main concern in making -- wanting to make sure I understand how this is all working has to do with how does this relate to our comprehensive plan, because we are spending thousands of community volunteer hours on that and divining the vision and the framework and the -- defining the figures and framework and the policies to achieve that vision in the future, and so this seems related. I want to make sure i understand how it's related.

Kevin johns, director of economic growth and redevelopment services. This -- imagine austin provides the project pipeline and prioritization for the projects that would be used in the analytics system.

Morrison: okay. So maybe you could talk a little more about that, because imagine austin, as we all know, as a 30,000-foot look at the city. So what kind of projects might we imagine coming out of "imagine austin"? What's your definition of project?

There are two levels of projects in the grant implementation system. There are tier 1 projects, which are big, very large, complicated data-laden projects. Those probably would be austin-type projects. And then there's tier 2 projects, which are small urban villages that might be built around the region and running return on investment scenarios on those. So in "emergency austin" an example -- imagine austin, an example might be that we run all of the cargo movements by train and by truck into this model to find out how the cargo system in the city would be best utilized in order to increase property values, bring employment centers closer together and reduce pollution. You know, complicated, high-level issues that would have a major financial implication on the city's future and the vision that's " it might be a project like the light rail system. Historically light rail systems generate a lot of development. We could look at all of the real estate development in various corridors and calculate the potential for

redevelopment taxes generated, the amount of cars taken off the road and therefore the pollution not given off, the employment generated. So it's taking the high-level thinking that's in "imagine austin" and trying to capture some of the projects that the citizens want to do and vet them out with data sets, with empirical data, and come up with an understandable solution that would cut years off of the process of implementation.

Morrison: okay. I guess the concern that i have is -- I'm still trying to get my head around exactly what that means. So if we're talking about -- if we're talking about perhaps considering a rail project as part of the comprehensive plan in transportation, then you're going to run the analytics and look at the financial impacts and all. The concern I have comes from when I hear suggestions that we're not going to take the comprehensive plan, you know, scenario and outcomes and vision elements that have already been established as a given. Like, for instance, you talk about moving an employment center, moving an employment center. Well, we've gone through this long negotiation with the preferred scenario, for better or for worse. You know, some people like it, some people don't, but we are where we are and we're moving along, and so what I want to make sure is that we're not necessarily -- that we're not moving into, you know, another assessment of what we've already come out with and start making suggestions that we're going to be changing.

If I may, mayor? I don't think that's what mr. johns is saying. In fact, in those things he alludes to that have been identified in imagine austin, this tool as i understand it could be used to simply do a more substantive assessment of Provides the project pipeline and prioritization for the projects that would be used in the analytics system.

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suggestions that we're going to be changing.

If I may, mayor? I don't think that's what Mr. Johns is saying. In fact, in those things he alludes to that have been identified in Imagine Austin, this tool as I understand it could be used to simply do a more substantive assessment of what's in the plan. Now, the result of that may suggest that you might want to amend the plan in some way at some future date, based on the results, but certainly not -- there's no presumption along the lines of what you're talking about.

Morrison: okay. Well, that's helpful. I think that's very important, but I do think that it bears additional evaluation, because if you start -- I did look at the application project -- the demonstration project application that you gave us on Tuesday, and number one, I just want to comment that the Imagine Austin framework already has significantly more elements than are going to be evaluated, and I think it's important if we're going to come out with consistency, that you -- that the evaluation of this new tool actually integrate all of the elements that are important in the "Imagine Austin" framework.

I totally agree.

Morrison: okay. And then the other flag that was raised for me when I was looking at it that suggested to me that maybe we're not taking the "Imagine Austin" output seriously enough is that, you know, under planning and decision there are 20 points in terms of evaluation a demonstration project, and only one point has in it -- only one point is attributed to the demonstration project has the appropriate entitlements in place. Now, the Imagine Austin process is going to go through a whole lot of probably delicate consensus building efforts in terms of land use, and so if only 5% of the assessment is going to take that into account, I think we're going to head down the wrong road. So I guess I'd really like to be able to sit down and see if we can set some stronger constructs around this to align the Imagine Austin and this project together, because I really, really do not want us to veer off in another direction with this.

And I would look forward to that. This was in draft form. We wanted to give you something to see where we're going, but we'll look forward to working with you.

Morrison: okay. Great. So with that, Mayor, I would like to move approval of -- let me make sure I get the right numbers, 9, 10 and 28. Correct. Council member Morrison moves to approve numbers 9, 10 and 28 together. Is there a second? Council member Spelman. All for it? , All opposed? Passes 6-0 with Council member Shade off the dais. We'll go to citizen communications. The first speaker is Rae Nadler-Olenick, water fluoridation.

Good afternoon, Mayor and Council members. Next Wednesday morning, May 18, the Council's committee on public health and human services will meet here in the City Hall with representatives on both sides of the fluoridation debate for a work session. That event could prove an historic turning point if only you are willing to think outside the box and carefully consider the scientific information our experts will provide. I urge you to place scientific evidence above cut and paste dogma. When you hear safe and effective, ask yourselves how that can be in the light of today's evidence. When you hear CDC best practices, remember that those are the same best practices that have figured in fluorosis, protein for half of our young people today. They call this milled. True endorsement by the CDC sounds impressive at first. When we talk of the CDC we picture its grandiose h and an 15,000 employees. Scratch that. The division of oral health comprises 28 dentist bureaucrats without medical or toxicological training, paid to promote community fluoridation. They're PR people basically. That's it. And there's strong resistance brewing in ATLANTA, THE CDC'S BACKYARD. Atlanta is a city of over half a million, 58% of it black. There the African-American community is mobilizing against what was sold as a social entitlement but is now recognized as environmental racism. Last month Andrew Young, y icon I can -- former union leader, three-time member House of Representatives and a dentist's son came out forcefully against fluoridation. Noting that cavities are rampant in inner cities that have been fluoridated for many cities and noting the cavity rates are higher misunderstanding blacks, he said I am deeply concerned about poor families with babies. If they cannot afford unfluoridated water for their babies, do

their babies not count? This is an issue of fairness, civil rights and compassion, unquote. Two days ago martin luther king's daughter bernice issued an equally forthright statement calling for an end to the practice and for fluoride investigations into the deception which has always surrounded it. The cat is out of the bag on this one, council. People are waking up to the fact that fluoride is bad for you. It needs to be ended and soon. Thank you. [Applause]

thank you. Next speaker is pat valls-trelles. Thank you. Your adoption is animal adoption center. You have three minutes.

Thank you, mayor pro tem and thank you council members. Thank you for all you've done as -- in the last three years for the animals. I think you've been a great council and I really appreciate that. Before I talk about the adoption center, I would like to briefly state that i understand that the city's new social services selection process leaves no funding for legal services, and I would like to ask you what my usual mantra is, that you have a lot of public comment and a lot of public input on that decision before you finalize that. I support legal services, and I have not followed that very carefully, but I think that with a lot of public comment you'll make a good decision. Similarly along those lines, about the adoption center, i would like to also ask for a very open and collaborative process for what to do after the six months that i understand you've directed the two facilities stay open for at least six months, and I understand there's some discussion about those six months, but I'm not here to talk about that. I fully support the directive you already made that the two facilities stay open for six months. My concern is what happens after the six months, and here's what I would like to request of you. One, that you put it on a council agenda where you discuss a directive to staff to work with all groups that might be interested in contributing to running that facility as an animal facility after the six months. I understand there have been some private conversations taking place, and what usually happens with private conversations is the big groups are part of it and the little groups don't really even know what's going on. And I'm here to speak for the little groups that i hope get a chance to give their input and maybe be part of that process. At that open meeting that i hope can occur pretty soon, you would give a directive to staff to work with everybody to solicit ideas, to have open forums, where all of us could talk about some of our ideas. One idea I have is to reach out to texas a&m to see if they'd like to have some of their vet students come and help with the spay/neuter for animals of the small rescue groups that can't afford spay/neuter -- or that it hits them really hard to pay that fee. That's just one idea. I'm sure other people can come up with great ideas. I think we have a great community and if we work together we'll keep doing great things that you've already started us down the path. Thanks again and let me know if you have any questions.

Martinez: thank you, pat. On the social service item you brought up about the legal services, it right now is simply a proposal. The health and human services subcommittee is going to continue that discussion and dialogue as well as the entire council with much public input.

Thank you very much.

Martinez: sure. Next speaker is butler. Is ms. butler here? Welcome. Your topic is save norwood dog park coalition. You'll have three minutes. carol butler and I represent save norwood dog park coalition. The norwood dog park, which is the only secure, fenced, double-gated park in all of austin, is currently on the chopping block. The parks department has announced that it intends to close the norwood dog park and replace it with an unspecified project, such as a parking lot for the extended hike and bike trail, a parking rail for light rail stop or as a garden for the restored norwood house. The director of the parks department has said that the dog droppings at the town lake -- at the dog park pollute town lake. However, almost nothing pollutes water waste as much as parking lots. Users of the dog park are especially concerned because the parks department has not yet followed through on a previous commitment to provide a replacement for the disk golf area that was in peas park. Communiques from the parks department have stated they would probably replace the dog park with another off leash area, showing little understanding of the needs many dogs and their owners have for a secure place to bring their dogs and their small children. Many types of dogs are bred to run and cover large areas. They

cannot be exercised in an off-leash area which is not fenced. One recent letter from the director of the parks department to a member of group -- I think I have the wrong page, talked about using a 4 to 6-foot fence, and many of our dogs can jump over a 4-foot fence. This park is used by training groups who are training and socializing puppies to visit jails and nursing homes, it's used by disabled people, disabled seniors who have trouble walking their dogs. It's used by people in apartments and condos downtown and in the dense riverside apartment area. It's visible from interstate 35 and accessible, and people travel from as far away as Kyle and Pflugerville, people who are not necessarily residents of the city of Austin. We've gathered letters and names of people who support the dog park, and I have a packet for each of you that I'll take to be passed out today. We're asking you to please do whatever is necessary to save the dog park in its current location. Thank you very much. Next speaker is Linda Greene on fluorosilicic acid.

Thank you, Mayor, the exact title of my speech is fluorosilicic acid is not the same as fluoride. Why won't city council stop adding hazardous waste to our water. There are many sources of fluoride. There is calcium fluoride, which one of our speakers showed you last week is a pretty green rock. It comes abundantly from China and West Texas and if you suck on it you'll probably get sick. There's sodium fluoride which is put in our toothpaste which is largely a waste product -- or I should say byproduct from the aluminum industry. Calcium fluoride and magnesium fluoride and there's the caustic, toxic, hazardous waste products we import from Florida's waste interest and add to our water. And I bring this up because one of our members made a statement in the Austin Chronicle March 18 stating, "how many people -- Austin citizens would be comfortable if they knew that the fluoride Austin is putting in our drinking water is fluorosilicic, toxic waste from the fertilizer industry that the city buys from this fertilizer company. It used to be Lucyer, now it's Mosaic, as you know. For some reason, a month later, April 19, while the Statesman has been ignoring us for over a year, Gardner Sell by came out with what he called a Truceo meter stating that that statement was false. Now, we have different organizations, the International Air Transport Association has been around a long time says that it's a corrosive, it has a hazard label, and it's called fluorosilicic, a hazardous, corrosive chemical. So guard any sellmy admits that our taxes buys the water that fluoridates the drinking water yet there's no reasonable support for calling the same acid toxic waste. Now, I agree with them in the sense that all fluoride is toxic, whether it's pharmaceutical or whether it's pharmaceutical grade, like in Prozac. I think you've seen little disclosures on medicines that have fluoride in them, say might cause you to think about committing suicide. We've given you 25 studies on lowered IQ, ingesting fluoride. It's probably sodium fluoride, it may be fluorosilicic, but I think the Politi Facts article, where he says our statement is false, his trutho meter is broken. [Laughter] and so I'm asking the media, and I'm asking city council to come up with some evidence that shows that fluorosilicic is safe and effective, and I want you to show us the levels of cadmium, uranium and -- or in that -- and ore in that product is measured and give us that information and -- thank you, Linda.

Next Wednesday please be 00 in the morning to hear Dr. Paul Connit. Next speaker is Katie Stark. [Applause] Topic is the Norwood dog park.

Thank you, Mayor Leffingwell, and thank you all council members, for hearing us today. I'm part of the dog park -- the Norwood Estates dog park coalition, and I'm here speaking on behalf of many of us, and pro tem Mike Martinez, I've seen you there with your dog, and it was wonderful the day that -- I know you don't remember me because we were on opposite sides, but it was nice to see someone from the council actually there using the park. I'd like to read to you, though, the first letter you're going to see in your packet, because this actually expresses my feelings so vehemently that I want you to hear it very carefully. "I am one of hundreds who use Norwood Park extensively, and I am aghast that there are those who do not realize what an important asset this park is to our community. Today at the park I met with a wide variety of strangers of every class, gender and ethnic group in a joyous community as our dogs played and romped. I watched people be responsible dog owners, picking up after their dogs, leashing, talking about training and veterinarian care. This is important. Not only were there many people from the immediate neighborhood, but also people like myself who come from contiguous neighborhoods. I live not far from the park, but in my neighborhood, East 13th Street, there are no sidewalks. I am an older disabled person. For me to get my dog the exercise she needs and for me to

get the chance to sit outside while -- with her while she does, I need norwood. There should be many parks like this norwood. For heaven sakes, do not close the ones that we have. I want to add to this that i live down near slaughter lane, and that I too am a handicapped person. I recently had my hip replaced. I have an american fox hound who is a running breed. I've had 20 years of american fox hounds as pets that would have been killed because they had a genetic defect. That's how that breed is so healthy. But this particular dog i have is a very -- is a character, and she loves to run, but she gets out, and she has gotten out, and I'm afraid that she'll get hit. Having a fenced in dog park is not only crucial to those of us that have dogs that run, but it is essential. Losing this dog park is just a tragedy, and our coalition is going to try to help inform you about the necessity of it. Thank you for listening, thank you for hearing us and thank you for supporting this essential need for many people, in austin and the surrounding areas. Good-bye. thank you, katie.

Mayor? council member riley. I assume we have -- I see we have a couple staff from the park here. Can I ask staff to come up real briefing and provide a little bit of information? We've heard a couple speakers now raise concerns about the potential for -- potential loss of the norwood dog park. Could you just briefly tell us where we are on that? Are we moving towards shutting it down and is there a plan to -- if we do expect to close it at some point, is there a plan to have some alternative site in place?

Absolutely. Mayor, members of council, marty stump, park development coordinator with city of austin parks and recreation department. oox, austin parks and recreation as well. As you may be aware, the parks department is engaged in a planning process, feasibility study, conditions analysis of the norwood house and the park itself. Of course we've asked for citizen input and we appreciate the folks coming here today to provide that input, and likewise we'll have a series of meetings we'll solicit that type of input in terms of the future of the park itself. The dog park was established as a temporary facility, back in 1994, I believe, in a memo from the director of the parks to council at that time so stated that the facility was established as a temporary facility until such time that the parks department had the funds and the initiative to prepare a new vision plan for the park and funds to redevelop that piece of parkland. So we're essentially here today now nearly 15 years later, when that park was set up as a temporary facility, it was stated that would be open for two to five years. That was what was anticipated at the time, so we're here today finally having the funding and the initiative to develop a vision plan for the future of that park, and of course it includes addressing the existing off-leash area, so that's part of the conversation. The intent, obviously, of the department is to have the new facilities on-line. We have an off leash advisory committee that's working actively to determine future facility opportunities. My director has stated, and we are obliged to not close the off-leash area at norwood park until such time a new facility has been developed in proximity to norwood that would serve the same users. And we understand that norwood is particularly attractive because it is a fenced dog park, unlike the other facilities that we have, through the or leach advisory committee and through staff, we understand we need to be providing that type of facility for off-leash users. and so you expect that whatever facility replaces norwood would also be fenced?

We would expect so.

Riley: okay. Thanks, marty. next speaker hirschkind. And the topic is points of law pertaining to the city and its businesses.

City council members, I'm claire hirschkind. On december 22, 2010 I was arrested while trying to fly out of austin for christmas with friends. I didn't want the intimate areas of my body groped. I was standing up for my fourth amendment rights and the texas state penal code. The points I wish to make are about where the laws we have now originated. They are the codes of decency and morality within us all. There are no political or religious beliefs that separate us on this. THE AITs AND AGGRESSIVE Pat downs in our airports are indecent and we all know it, but most are turning a blind eye. People are silent now because we face a malignancy, a fear so great it is preventing the circumstance you mean vacation of our basic codes of decency and our amendment rights. People are frightened when they enter airports, not because of the airports but by tsa and homeland security. People -- sorry. Those who have

questioned their treatment are quashed in front of everyone, asked a simple question, and you won't be permitted to travel. Our first amendment right of freedom of speech is being impinged, as is our freedom law and our 4th amendment rights. People are staying silent and doing nothing out of fear. Businesses in the city are frightened by tyrannical threats of not being able to function. It was only a few months ago I heard the tsa director of security, mike scott, stand here and tell you, if you DIDN'T PERMIT THE AITs AND Aggressive patdowns, we could not have commercial flights out of austin. That, sir, is a lie and a threat to city officials. No law has been passed at ANY LEVEL FORCING THE AITs And patdowns on the u.s. Public. A federal official lied to our city officials in a public forum on tape. If you look at cf -- at cfr 28, section 85 -- I'll pass out a paper -- I believe that falls under coercion intimidation in further answer of political and/or social objectives and that, sirs, is written by the f.b.i. I understand the need for fiscal concerns, but is it in this city's fiscal interest that our commercial airlines are ousted from our airport? There are no laws, specific or general that support the -- austin depends upon its tourist trade, aside from being the state capital, to stop commercial airlines would break us monetarily. That is why it is not going to happen for any reason. Thank you for your time. And any questions you have are possible, I'd like -- and I have an alternative plan. [Applause] nathan, you can pass your information to the clerk, please.

Topic is clarification of ruling by zap co on september 7, 2010.

Good afternoon. I do not like making my appearances here a common occurrence but I find myself here today anyway. Because my house at 2700 edge water is three weeks away from being completed, and I simply can't afford to be renting a home and paying for a house I'm not living in, I feel I'm being forced into a corner with no option but to sign an unlawfully and unfair covenant. As a citizen I am seeking direction from you. As the city bureaucracy is continually crushing me and primary goal to protect ourselves. As our elected representatives you are the only one who can protect citizens from abuse by this bureaucracy. The city staff or the parks board has admitted that their reason for preventing a restrictive covenant from building a boat dock on my prorpt is punitive. The planning department remed to zapco for my project to conditions described by the ev board. The motion approved by the ev board strongly opposed a restriction for building a boat dock. The problem is that the published approved minutes of the zapco hearing on september 7, 2010 are not clear, as they approved the motion with the recommendations of both the ev board and the parks board. How can this be since both boards are conflicting recommendations regarding a boat dock. Last night I rewatched the video of the zapco hearing and the motion by greg was clearly intended to adopt the recommendation of the ev board and the statements regarding the parks board were subordinate to that intention. The city legal department continues to turn away from my plight knowing full well I will be forced to sign the restrictive covenant simply in order to move into my house. My plea to you today is to help me as you are my only recourse against this abuse. On a related note, the abuse from the city doesn't seem to stop. I have just received a stop-work order on the installation of my septic system. I am installing the system exactly as approved as my approved septic plans describe and my sanitarian has designed. I am doing this for a house which is built exactly per my approved plans, which have not changed since 2009. The austin water utility division has gotten pressure from my neighbor and his attorney recently and they are now claiming that my unair-conditioned garage and my attic space are -- should be considered as part of my living square footage. This stop-work order comes two weeks after the last of three inspections all of which told me to proceed and I've been approved, and i plead with the council to stand on my side and support me in building my house and septic system exactly as they've been approved. I know that no action is likely to happen in regards to this topic today, but as I am three weeks away from moving into my house I would ask from the council one to set up a meeting with the director or deputy director of the austin water utility division so I can talk to him. Thank you. thank you, and we can certainly have someone from the water utility talk to you about your situation.

Thank you, sir. contact him right away. Cynthia valadez, topic is single-member districts.

Good afternoon. The first thing I'm going to announce today is we have now an official holly neighborhood coalition, which has been formed within the boundaries of -- south of 7th street. East of 35, north of lady bird lake and west of pleasant valley. So within this neighborhood we will have -- we

now have been meeting. We've had three meetings already. The first two meetings we had over 100 people, neighborhood residents and business owners, in attendance, and we have broken up into committees that will address the issues that affect our neighborhood. We hope to come and serve our neighborhood and our residents well by being a positive voice for development and amendments to the comprehensive master plan regarding our boundaries in our neighborhood. So I just wanted to announce to you-all that we are official. We have joined the anc, and we are going to be active and part of city activities. As a lulac representative here today, I'm here, of course, to thank you all for your deliberations on single-member districts and to tell you again that we do support them. We hope that you will consider passage of change in how the city conducts its elections with regard to single -- to city council [inaudible] as quickly as possible. We were hoping that we could be placed on a voting agenda earlier than november of '12, if that was at all possible. We were hoping that we could get on in maybe may if that was a possibility. But if not, we urge you to please come out, each of you, in support of single-member districts as quickly as possible. Our neighborhood and our community has long been without the ability to elect someone from within its own ranks and to hold them accountable for the votes that they take and someone that they could go to to represent their interests who live within their neighborhood boundaries. So again, you-all have heard me plenty of times speak on single-member districts. We are her to support the city in moving forward towards that change in how it elects its council members and mayor, and again, we wanted to make sure that you understand we have a new organization that's going to be -- it's made up of respect, of business owners, of property owners and of organizations. So we have 19 of the 23 representatives from 19 of the 23 registered organizations within neighborhood associations within our boundaries as part of that holly neighborhood coalition. We look forward to working with you in the future and thank you. thank you. John bush? No specified topic, city issues.

Good afternoon, john bush. I'd like to chat about the body scanner issue and -- i mean, I hope you guys take to heart this woman claire here who was arrested for simply not wanting to have hands run up the inside of her thigh all the way up to her vagina and hands inside of her pants. You guys might be okay with that but a lot of the people of austin aren't, and we're certainly not okay to having it happen with our children which seems to be the case now. I want to make a note on the fluoridation. Council member morrison mentioned the comprehensive plan and the vision statement. Of course that has the three Es FROM AGENDA 21 I WAS Telling you about, environment, economy and equity. And you guys need to be a little more consistent. You can't claim and come up here and tout that we're this wonderful city that focuses on environment, economy and equity and continue to fluoridate the water. I'm sure you heard from the fluoride gadflies recently there's a spill in illinois that burnt a hole in the floor, that was fluorosilicic. They had haz-mat out. They had the same suits they're using in fiewk shim a for the radiation. You're putting our water at risk because you fluoridate the water. Second is economy. We need to have a nice equitable economy. We spend over \$500,000 a year and here we are about to go on another dog and pony show so you guys can make the public seem like they're participating in the budget process. You say you're going to cut social services meanwhile you have 4 to 500,000 every single year that you guys spend to poison our water. People are sick and tired of it. Equity, ray hit on this, civil rights, leaders, martin luther king's daughters came out and say african-americans face higher level decay in their teeth when they have fluoridated water, additionally african-american communities become more susceptible to lead poisoning when they're drinking fluoridated water, and finally, lower income, lower socioeconomic status, families are less capable of remedying the water because they can't afford bottled water. That falls on your shoulders. The lower income families that are struggling, have a choice, do I feed my baby formula with fluoridation, make her susceptible to bone cancer in the future or do i shell out this month's water money which is about to start shooting shooting up. That stands on each of you. You have to stand up and break with the status quo and we're calling you on to do that. We're going to call on you guys -- I hope you take it seriously. Paul conic is coming out on fluoridation. Last time he was here you guys were joking around on your cell phones and stuff. I hope you'll give the respect to the community, flying people in, spending our hard-earned money to compete with your cdc goons who seem content with just merely iterating the status quo. So if you're going to be consistent and tout that we're big on economy, environment and equity, please pull the fluoride out of the water. Finally, randi shade stated that the body scanner had nothing to do with austin. It's not part of our legislative agenda. If you go back and read the legislative agenda you'll find that it actually calls on

us to keep the stuff at the airport safe and efficient. time has expired.

Scanners aren't -- expired.

Scanners aren't safe. emily knight. [Applause] changes to south lamar boulevard to make it safer for cyclists.

Thank you, mayor and council members. I'm here today on behalf of andrew runson. If you've been following the news you probably know who andrew was. He was a 24-year-old computer programmer who lived and worked in austin who was hit on april 23 by a hit-and-run driver while he was cycling down south lamar. I was with andrew at the time. I was biking alongside him, and it was -- the mere fact that I was on the right and he was on the left, that, you know, allows me to be here today. If I had been riding to the left of him he would probably be here talking to you on my behalf, because andrew was a great, engaged citizen of austin, and i feel I need to be here, stick up for him. So I know, you know, cyclists probably seem like this very vocal but, you know, minority group of road users. Sometimes I think, you know, we are, you know, much more progressive than some cities about recognizing that cyclists are people too and that cycling is sometimes just a way to get from a to b. So I'm just here to talk about attitudes. I know you guys do a great job working with the bikes -- the bicycle advisory council, but, you know, I think attitudes are what's going on with south lamar boulevard. There is a stretch from about oltorf to andrew's apartment, which was 316 south lamar. We were going down that part. There's no bike lane there. But we were coming from odd duck, which is food trailer across from the alamo draft house. There's no way to get from that spot to his apartment on a bike safely. It's just literally not possible. There's just no other alternative route to take, bike lane or no bike lane, we had to be on that road, and all the other residents of his very large apartment complex, you know, face the same situation. They can't safely get north/south on a bike from their home. It's just -- it's not possible. I encourage to you look at a google map, you know, if you don't believe me, there's -- you can't take side streets, it's just -- you know, not -- it's not safe. And so I encourage you to start thinking about south lamar as a higher priority for changes in the next bicycle plan. You know, the one that was adopted in 2009 has many -- sorry. thank you, emily.

Please think about it.

[Applause] and we do continue to make improvements for bicycle transportation around the city. Long process. Council member riley? first, emily, i want to thank you for being here and tell you how sorry I am for everything you've been through. We do have some staff here from the neighborhood -- from public works, and i just wanted to -- howard, if you could just speak briefly to the situation we have on south lamar and what -- what we are doing or can do to improve it.

Thank you, howard lazarus, public works director. Within the next year as we finish resurfacing of south lamar, we will complete bike lanes all the way from barton springs road all the way down to the end of the city's jurisdiction just north of ben white and that is all scheduled to happen within fy '11 and fy '12. It will be done this year and next, this fiscal year and next. there will be continuous bike lanes on both sides of lamar.

Both sides from barton springs down to where our jurisdiction ends, north of the ben white.

By end of next year?

Through the end of next year, that's correct. those are all the speakers that we have signed up in citizens communication, so without objection city council will go into closed session and take up five items. 071 of the government code, the city council will consult with legal council regarding the following four items, item 42, to discuss legal issues relating to the city's historic preservation program, item 57, to discuss legal issues related to the open meetings act, item 58, to discuss legal issues related to fayette power project, item 59, to discuss legal issues relating to redistricting, and proposed city charter

amendments. 074 of the government code the city council will discuss personnel issues regarding item 56 to evaluate the performance of and consider compensation and benefits for the city manager. Is there any objection to going into executive session on these items? Hearing none, the council will now go into executive session.

we are out of closed session. In closed session we took up and discussed legal issues related to items 42, 57, 58 and 59, and personnel matters related to item 56. 30 time for live music and proclamations. Stand in recess until approximately 6:30.

I didn't recognize you with a haircut.

Martinez: all right. It's time for live music. As we do every council meeting. Joining us today is singer songwriter david garza. David is an american musician and artist who was in the way before it was a standard for artists looking to see their artistic vision realized. Hailing from the lone star garza has released almost 30 records from 1989 and 2010 and is running a new full-length album for 2011. He's worked with receipt miller, john briome and most recently fiona apple, who was a guest on his track, dream delayed. David has created extensively in his adopted home town of austin, texas and considers it an honor to be appearing at a city council meeting in the city he calls home. So please help me welcome david garza. [Applause] [00:36:05] [♪♪ singing ♪♪] [00:38:01] prendergast [♪♪ singing ♪♪] [cheers and applause]

gate job, david. Come back here, you're not going away. Come back here. First of all, tell us, can we get your movie on a web site, on itunes?

Yes, you can get the music on itunes.

I just love this music. So where are you going to be playing next?

I'm playing at threadgills on saturday with alejandro he is come vaid on. I'm excited a the po changa festival.

I'll be there.

May 21, celebration of beautiful things in the city.

If you haven't had a chance to go to pochanga festival I encourage you to go. It's incredible latin mu musicians and it's at fiesta gardens on may 21. I have a proclamation. It reads whereas the city of austin, texas is please blessed with many creative musicians whose talent extends and our music scene thrives because austin supports good music produced by legends, local favorites and newcomers alike, and therefore i, lee leffingwell, mayor of the live music capital of the world do hereby proclaim may 12, 2011 as da david garzaday in austin, texas.

Thank you so much. [Cheers and applause] so it's now time to do our proclamations where we honor folks in our community who have done important things for our city, and again for our community. Today it's my pleasure first to read a proclamation in honor of national missing children's day. I don't have to say a whole bunch of words to talk about what an important effort this has been. As the proclamation is going to say, about 800,000 children are reported missing every year to law enforcement, and most of those, of course, thankfully are recovered, but many of them aren't. And so we need an outstanding volunteer organization like we have here today to help further that effort. So I'm going to give diana franzetti, diana franzetti, a chance here to tell us a little more about it right after I read her proclamation. Be it known that whereas every year nearly 800,000 children are reported missing to law enforcement while the vast -- while the vast majority are recovered quickly there are many who never return home, and whereas the national center for missing and exploited children has launched a grassroots initiative,

take 25, to encourage parents to take 25 minutes to talk to their children about safety, and whereas, take 25 provides communities with free safety resources, including safety tips, conver starters, child id kits and more and whereas we join the pta for exceptional children and the secret service in encouraging parents to take advantage of these resources to keep their children safe. Therefore, I lee leffingwell, mayor of the city of austin, texas, do hereby proclaim may 22, 2011 as national missing children's day in austin, texas. Congratulations, diana, and would you like to tell us a little more about it? [Applause]

thank you very much. On behalf of the texas regional office of the national center for missing and exploited children, which is located here in austin. Thank you. This is a great honor. # Hundred thousand children a year, 2 -- more than 2,000 a day reported missing is just not acceptable, and we continue to work to provide education and help in preventing this from happening. So on behalf of all those missing children, their families and the extraordinary law enforcement professionals who serve them, thank you very much. Thank you. [Applause]

thank you. We're going to take a picture.

Mayor leffingwe: okay. We're here again tonight to talk a little bit more about an initiative we've been working on all year. These are related to first lady michelle obama's initiative begun last year to combat childhood obesity, and we're talking about all the things we can do to help our children lead healthier lives and grow up to be healthier adults, and tonight we have another one of those events. It's called exercise is medicine month. And we're going to be told a little bit more about that by these two young ladies who look like they've been getting plenty of exercise. Veronica etheridge and carol young. So the proclamation reads as be it known that whereas citizens are encouraged to speak with their physicians about how physical activity and exercise may help treat or prevent numerous chronic conditions such as hypertension, cardiac disease and diabetes, and whereas regular moderate-intensity exercise is curative and protective health benefits, indeed it is a powerful prescription with potential to improve the health of all americans, and whereas, a healthier populace many cost savings, greater participation in the workforce and to society at large, and whereas we join the american college of sports medicine in calling on health care organizations and physicians to assess, to at vo kate for and review every patient -- advocate and review every patient's exercise program during office visits. Therefore, I lee leffingwell, mayor of austin, texas, do hereby declare may 2011 as national medicine month in austin, texas. Thank you for doing this and I'll give you an opportunity to tell us more about it. [Applause]

hello, all. I'm veronica etheridge, an merge college -- in american college and sports medicine personal trainer here in austin. I want to thank the mayor and city hall for acknowledging and sporting may as exercise month and i want to encourage everyone to be active on a daily basis as well as encouraging your friends, family members and coworkers to do so as well. Exercise is medicine. Help me support and spread the word. Thank you. [Applause]

hello, good evening. I'm carol young with goddess fid. Thank you so much for making this proclamation. I feel blessed living in a great and fit conscious city of austin. We work with clients day in and day out and I can't tell you how much we believe that exercise is medicine both for the mind and body. We think if more people thought of exercise as an act of medicine, like a magic pill they could take every day to make them stronger, happy and healthier, we'll see a great improvement in overall well-being. mayor, for inviting me.

Thank you. [Applause] now we're going to honor a group of folks who work every day to help keep our kids safe as they go to and from school. It's an important job. I don't have to tell you that. I would also like to mention that I myself at one time was a school safety patrol. [Applause] it was at becker elementary school, just a few blocks from here, and I remember how proud I was that day when I got my red hat and my white sash john brown to wear and go out and do my job as a safety patrol. Now, of course, times have changed, of course, and that job calls for adult supervision, and these folks are the ones who do it now, and I'm very glad they do. And again, I want to thank you for helping keep our kids

safe, and I want to honor you tonight with this proclamation. Be it known that whereas the safety of students traveling to and from school is a primary school and community concern, and whereas the city's old safety program includes 211 trained school crossing guards who man # 0 schools and oh 90 schools and 7 area school districts, to see -- school districts, and daria prendergast has been selected as the crossing guard of the year because of the exceptional care she's shown for students at anderson mill elementary school, and whereas we're pleased to join the child safety program in honoring daria for not only carrying out her guard duties well but in being an excellent role model, safety instructor and problem solver for the children. Now, therefore, I lee leffingwell, mayor of the city of austin, texas, do hereby proclaim may 13, 2011 as crossing guard day in austin, texas. Thank you all once again. [Applause] daria?

I'm kerry juarez with the public works department and I'm very proud to have all of these hardworking crossing guards here find me today. It's also a pleasure to introduce daria prendergast who is the crossing guard of the year. She's an exceptional crossing guard who takes her duties and responsibility very deeply. She cares deep for the children and goes above and beyond in demonstrating her commitment. She helps children fun and learn by organizing contests to reward children for following safety rules. Daria is an outstanding ambassador for the city of austin and the anderson mill community is fortunate to have her working in our neighborhood and our schools citywide are very fortunate to have all these hardworking crossing guards and I thank them for their service. [Applause]

well, I just want to say that -- thank all of my guards and my supervisors, and at anderson mill elementary, it wasn't just me. I had the support of my fellow crossing guards esther and dawn, who every time I came up with a crazy contest, were willing to go along with me so that all of my contests could be school-wide instead of just me, and we worked very hard to -- worked very hard to reinforce looking left, right, left, because every time I go to training that's what we are told that we need to enforce. I've also had the support of the community, wendy's, taco bell, sonic, 7-eleven. Many of those businesses have given me rewards and several radio stations so i could use them as prizes. Thank you. [Applause]

morrison: good evening. Tonight we are here to celebrate and recognize asian pacific american heritage month, and I just wanted to mention briefly that just this past weekend I got to be part of the celebration of austin's first asian american historic landmark, the paul son. Sonsingh house, with the unveiling of the plaque over on willow street and they had a celebration of gatherings, so it was a nice timing to do that. And so here today we're recognizing with the proclamation that I'm going to read. It says be it known that whereas austin citizens who trace their ancestry to asia and the pacific islands have contributed much to the city with their talents and hard work, and whereas these citizens speak many languages on our countless traditions, practice different faiths but they are bound by the same commitment, while the diversity among asians adds to the culture of our society, whereas asian pacific cultural heritage month is nationally recognized as a time to celebrate the diversity of asian and pacific island cultures and their influence on our community, and whereas the city's asian network employee, aaen, invites all city employees to this 12th annual cultural celebration at palmer events 30 to 11:30 p.m. I, mayor lee leffingwell, do proclaim may 2011 as asian pacific american heritage month in austin, and we have several people here to accept this, and I want to introduce lei ye. [00:58:00] Thank you. [Applause]

thank you, laura, I'm lei ye. On behalf of the asian employee network and the asian communities here in austin we would like to thank you for the honor and the recognition. Austin's multi-cultural culture is complemented by the community and with the deep family values that contribute to and enhances diversity. Members of the asian community in austin are engaged in and working to unite and promote communities through service, education and culture. The slate of asian american community composes professionals, business people, education and -- striving to enhance the richness of this community with their hard work, dedication and commitment. And I would also like to -- as we celebrate may as the asian pacific american heritage month here in austin, we would also like to pay tribute to the victims of the recent japanese earth quake and extend our deepest sympathy to the people of japan. The city of austin -- on a lighter note, the city of austin asian american employee network will be hosting -- will be celebrating asian pacific american heritage month at its annual event next 30 at the palmer events

center. On behalf of the aae employee -- and the city of austin, we coveragely invite you and -- cordially invite you and the city council members to join us at this special celebration. We welcome and invite all city employees to participate and enjoy the festivities. Thank you and we're looking forward to seeing you next friday. Thank you. do you want to introduce everybody?

All right. From right here, lance cobales, senior member, and here's resa, shekar, jewel yeah joseph, and riuma wadia. [Applause] and now we have a very special guest. Something exciting will be happening on may 22 this year at the long center. It's a new documentary called health needs a hero that has been put together by jen ohlson and we're so lucky, also, to have the star of the documentary as well as many of the folks that participated in it. So we wanted to recognize the work and the great accomplishments that you-all can see through this, because it's a very, very important topic about health and children's health and how you can really make a difference in the world and make a change. So I want to introduce jen ohlson and ashley casterino and present this proclamation to you-all. It says be it known that whereas texas is experiencing an obesity epidemic with more than half of adult texans and more than 20% of children ages 10 to 17 considered obese, and whereas an austin made documentary addressing this issue premieres at the long center on may 22, called health needs a hero, it follows a recent high school grad through her transition from unhealthy eating and lifestyle habits to taking personal responsibility to change her life, and whereas the film featured models, pe and health programs that help provide solutions along with interviews along with local, state and international state holder, including kenneth cooper, the father of aerobics, and it claims to be a call to, for the country for physical fitness, proper nutrition and support for our next generation. Now, therefore, I lee leffingwell, mayor of the city of austin, texas, do hereby proclaim may 22, 2011 as the premiere of health needs a hero in austin, texas. [Applause]

I'm jen ohlson, the writer and producer of the dominant ri and when the documentary started the seeds of it were really planted here in central texas. We have so many creative talents here in this city and what a wonderful place to really tell this story and a celebration of health, just as austin is, not in a demonizing way or one of blame but to tell the story through real life human terms. And the story of this movie, the documentary, the catalyst of this movie was i was trying to find one student, and I went around Here, lance cobales, senior member, and here's resa, shekar, jewel yeah joseph, and riuma wadia. [Applause] and now we have a very special guest. Something exciting will be happening on may 22 this year at the long center. It's a new documentary called health needs a hero that has been put together by jen ohlson and we're so lucky, also, to have the star of the documentary as well as many of the folks that participated in it. So we wanted to recognize the work and the great accomplishments that you-all can see through this, because it's a very, very important topic about health and children's health and how you can really make a difference in the world and make a change. So I want to introduce jen ohlson and ashley casterino and present this proclamation to you-all. It says be it known that whereas texas is experiencing an obesity epidemic with more than half of adult texans and more than 20% of children ages 10 to 17 considered obese, and whereas an austin made documentary addressing this issue premieres at the long center on may 22, called health needs a hero, it follows a recent high school grad through her transition from unhealthy eating and lifestyle habits to taking personal responsibility to change her life, and whereas the film featured models, pe and health programs that help provide solutions along with interviews along with local, state and international state holder, including kenneth cooper, the father of aerobics, and it claims to be a call to, for the country for physical fitness, proper nutrition and support for our next generation. Now, therefore, I lee leffingwell, mayor of the city of austin, texas, do hereby proclaim may 22, 2011 as the premiere of health needs a hero in austin, texas. [Applause]

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two years ago called pe 3, and because through the the texas education agency through this -- through this film, we created a course for at risk kids just like ashley. The course was awarded last spring to be implemented throughout the state of texas and now our foundation, who many of our members are here today, executive director amy, board member terry barrett are here, we're taking this course to the state of texas but again it all started right here with a seed in austin. We wanted to show you a short clip, a minute and a half, and tell you the story of -- ashley's story, kind of introduce you to her and have her say a few words afterwards. [Showing film]

our children are the first generation of americans who are probably going to live shorter lives than their parents if things don't change.

It is the most significant health issue in the united states. It's one of the most significant issues for the future of our kids.

My name is ashley casterino I am 19 years old. I honestly never noticed that I had [inaudible] because I'm just so used to it.

It has to be an individual responsibility like ashley, who wants to make a difference. This is where you stop preaching and you get into action.

If everybody took one step, the change would be insurmountable.

One, two, three.

Why not? Why don't you take a step.

I just want everything to change.

I want to [inaudible]. I want to be free.

It's not about [inaudible]. It's about giving you the best life you can possibly have, the healthiest, happiest life. [♪♪ Singing ♪♪]

we encourage everyone to come and this film could not have happened without the support of the city, the support of some of our major sponsors, blue cross-blue , hart ac scent yur. Troy campbell did all the music on the film. He's our music supervisor. Ida, yamaguchi is our graphics manager and he's put all the graphics together and andrew and jennifer assisted on that. It took a team and ability to do this film and we hope everyone can come to the premiere. 100% Of the proceeds benefit the pe 3 organization, and I'd like to introduce you to the star of the film, ashley casterena. [Applause]

thank you. I would just like to say that I love it here in austin. I want to move here after -- when I graduated in june 6, and a month later I moved here. And I just want to say that, well, to the supporters, we've had sponsors [inaudible] it would have been impossible without their help, and I'm just very happy that I have changed. I lost 100 pounds so far. [Applause]

thank you. And still losing more. My goal is to join the air force, and I'm going to do it no matter what. Thank you. [Applause] this is a really big honor for me to get to present this proclamations. Standing around me are the most amazing acc students, the energy, their passion for their work is just incredible. I've really gotten to know omar but I've really enjoyed getting to know the rest of the group as well, and I'm so impressed with what they are doing. So I'm going to present this proclamation in honor of a big event that they're going to tell you about that's coming up. Be it known whereas the fight for full equality of gay lesbian, bisexual and transgender has continued for decades, fueled by passionate groups and individuals concerned with providing equal rights for all citizens, and whereas harvey melg was the first

openly gay man to be elected to public office as a member of san francisco's board of supervisors and encouraged the masses to work together for civil rights, and whereas harvey milk was among those who die for the cause of equality, literally. He was assassinated in 1998 by a former member of san francisco's governing board, on behalf of the gay rights movement and encourage more positive changes for equality, now therefore i, lee leffingwell, on behalf of the city of austin, texas, do hereby proclaim may 22, 2 harvey milk day. And I want to recognize and thank the students who have organized this incredible event. You know, we live in thankfully much better times than what harvey milk experienced but we still are constantly fighting the ballots. I met a lot of these students recently when we had to do a march against hate because of an unfortunate -- tragic, i shouldn't use the word unfortunate, horrific capital murder that occurred, a lesbian and her mother recently killed by, you know - the suspect is the father of someone who wasn't happy about this relationship. In fact, so unhappy about it that he was willing to possibly take those kinds of steps. So this is a really incredible time to live in austin and to be part of a community that really values people of all types. We're a city that doesn't tolerate hate, and these students are really actively involved in that effort, and of course everyone on this city council is really supportive, but I think it's incredibly important to honor harvey milk and I want to thank those students so I'll rek omar lopez, who is super talented, high energy chef and student and big leader in the equality movement so I'm going to let him speak. But I want to say thanks to all of you guys for your hard work and all that you represent that gives us great hope for the future. [Applause]

first I want to thank the city of austin because, well, we attend austin community college is a big boc ban for this. 30,000 Students host -- we're hosting our graduation tonight at the erwin center and it's a very big moment right now, what austin community college is going through. But we want to tell all the students out there that there's -- there's an open arms place at austin community college that we accept diversity, not that they didn't, but we have open arms now. I want to introduce one of my inspirations and one of the reasons I'm here. Obviously they are inspired by our own city council member randi shade. As you can tell, I'm surrounded by females, so there's an inspiration here, and just like harvey milk was an inspiration to me, other folks are inspired, and britney tobar, I want to introduce her, for acc. [Applause]

I'm not really prepared, but thank you, city of austin, for recognizing harvey milk and his work. I feel very privileged to live in a city where I can be open and be who I want and attend a school that helps me to accomplish my dreams. Can you not hear me?

No, we want to let everybody know that's listening and hearing that we're not only just doing this today. Harvey milk's birthday is actually may 22, which is next weekend, and the big movement that we're doing at acc, we're providing a one day forum at austin rio grande campus at 12th and rio grande next status on may 21. We're also working with out youth. They're hosting their annual prom at the whole foods terrace that same saturday evening for anybody that's welcome. This is an all age event as well. Acc is providing a free event that saturday. On sunday we would be having a no hate campaign come into austin to do their photo shoot right behind here city 00 to and that same evening we're meeting here at city hall to march from city hall over to our capitol steps to the manor rights to tell them we are here in our community and that we need our rights because this is a civil rights issue that we have on our hands and we need to let our politicians know. Meet us here on mond may 22 and do what harvey milk would like us to do, with a rally from here to the capitol. you have a web site on the poster?

Yes, our web site is tx org/milk, and you can also email us at acc quality now at g com for any further questions. Thank you.

I'll just say if anybody else out there didn't catch that, you can write to my city council office and we will get you the details. So thank you again to all the students. We'll take a great picture but again, you guys give us great inspiration and leadership. Thank you. [Applause] pachanga dominant accenture ac scent yur accenture call to order a meeting of the austin housing finance corporation board of directors. Do we have someone here to take us through the consent agenda.

Thank you, mayor. My name is rebecca ji he will on recognizing the austin housing finance corporation. I offer four items on consent. One is to approve the minutes on of the march 3, 2011 board meeting. 2 is approve a modification to the previous board actions, approving a loan to foundation communities related to a property in south austin formerly called suburb lodge. The property is being renovated to a 120 unit single room occupancy housing facility for very low income residents. Action today will authorize the transfer of property ownership from foundation communities to the hfc. Hfc will then lows back the property to foundation communities. 3 is to approve a resolution appointing karen kinnard to the position of general council of the hfc, and item 4 is to approve a resolution authorizing the pressurer of austin housing finance corporation to sign all contracts concerning affordable housing programs with the department of housing and community affairs on behalf of the board. And that's it for today. so I'll entertain a motion to approve the consent agenda. Vice president martinez moves to approve the consent agenda, second by board member shade. Is there any discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 6-0 with board member coal off the dais.

Thank you. So without objection we'll now stand adjourned, this meeting of the austin housing finance corporation and call back to order the meeting of the austin city council. And council, without objection before we start back through our agenda, i would like to go ahead with the briefing on redistricting as some of the outside council that we have need to go ahead and get that done. So welcome, please. Introduce yourself and go ahead.

Good evening. Mayor, councilman, my name is sidney falk, I'm a partner with the law firm, bickerstaff, heath, del costo and I'm here to give you a brief overview of the law and standards that apply to redistricting. I'm going to discuss four distinct principles of law that apply. I'll discuss them in turn. The first is the one person, one vote principle, which is basically an equal population principle. Second and third both come from the voting rights act. Section 5 of the voting rights action is the portion of the act that requires preclearance of all changes to voting practices, standards or procedures, so it will apply to any new districting plan and to the conversion from an fr system to a single member system. Voting rights act section 2 is the act's general antidiscrimination statute, and among other things prohibits discrimination on the basis of race, ethnicity or language minority status. And finally in -- somewhat in opposition, there are a supreme court cases loosely called the shaw versus reno cases, because that was the first one, and they limit to some degree the ability of a governmental entity to use race as the primary consideration in districting decisions. I'll talk about each of those in turn. First, the one person, one vote principle comes from the united states constitution, 14th amendment equal protection clause. It applies to legislative bodies such as city councils, county commissioner courts, school boards, and holds that the -- that single-member districts of those legislative bodies have to have approximately equal population. The standard is a 10% maximum deviation. What you do is look at the most populous district and compare that to the least populous district and ask whether the difference between the two exceeds 10% or not. If it does, you are out of compliance with the one person, one vote population balance requirement. And if you already had a single-member district that was out of balance you would be forced to redistrict, as many jurisdictions are. It's not an absolute rule, but courts tend to have honored it for 30 or 40 years. How do we calculate deviation to determine whether we're in balance? I've got a hypothetical situation here where we're considering four districts and a jurisdiction with a total population of 40,000. The ideal or target single-member district would have the total population divided by the number of districts, in this case 10,000 each, as the target population. So what you do is look at the individual districts and ask how much more or less are each of them in population than that ideal size. So, for example, if we look at the first district, which hypothetically has 9,000 people in it, we ask how much less populous than the target size of 10,000 is it. It's a thousand less. That's 10% of the target size. So that district is at a negative deviation of 10%. If we look at district 3, which is the most populous district in this help the, and ask how much larger it is than the target ideal size, it's 700 more, and that's 7% more than the target size. So we have two districts here at the streams that are plus 7% in deviation and minus 10% in deviation, and if you put those two together you end up with a total deviation across the districts of 17%. In this case greater than the 10% that's permitted by law. And so

you would have to redraw these districts to get the deviations down to a point where the total maximum deviation from largest district to smallest district is less than 10%. So that's the first target of any districting plan that you would draw. What kinds of census data are there? Census bureau, in addition to collecting census data, headcount data, race and ethnicity data, defines what is called census geography. They cover the entire united states with small units of area that they have defined, come in various sizes, the smallest of which are called census blocks. In an urban area in the city, census blocks typically correspond to city blocks. In more sparsely populated areas, in rural areas, they are larger and more irregularly shaped. The important point is that census blocks are the smallest units of area for which the census bureau collects data and reports it. That data that they collect and report comes in two total population data is a headcount of everybody, and in addition to that there is a headcount data of voting age population, which includes everyone over the age of 18 as of the census date, which was april 1, 2010. And for each of these kinds of data, for total population data and for voting age population data, the census collects and reports racial information and ethnicity information, whether you're a hispanic or not, and if not, what race you claim. And those data are reported both for total population and for voting age population for every census block. I'm going to turn now to the legal issues besides the one person, one vote standard. I'll talk first about the department of justice's role in preclearance and then the other legal standards for liability that you need to be sensitive to when you're drawing redistricting plan. Section 5 of the voting rights act, as I indicated earlier, is the portion of the act that says you must preclear any changes that you make to a voting practice standard or procedure. If you change a polling place you have to predcleer it. If you change the -- clear it. If you change the form from electronic to paper you have to preclear it. If you change your city charter provisions regarding the at-large system to make it a single-member district system, you have to preclear that. If you draw a plan, before you may use it you have to preclear it, and the important thing to know is that you may not implement the change until and unless it has been precleared. There are two ways to get preclearance. The act provides that you can either go to the department of justice and apply for an administrative analysis and preclearance, or you may seek by filing -- preclearance by filing suit in a special three-judge federal district court in the district of columbia. Ist a regular lawsuit. It's apt to be more expensive, take longer and be more inconvenient because it has to happen in the district of columbia. We will certainly recommend that the city seek preclearance through the department of justice. Section 5, preclearance review revolves around a standard that is called retrogression. It looks at the degree to which the change you are proposing does or does not result in a reduction of the relative strength of minority voting. Easy way to think about it is to ask the question whether minorities are made worse off under the new system that's proposed than they are under the existing system. Doj will look at the existing at-large system as what is called the benchmark in determining the retrogression analysis. If you already had single-member district system in place, the retrogression analysis would revolve around looking at the existing single-member district plan compared to the new one on a district by district basis. Sense you don't have an existing single-member district plan, the comparison is going to be to the at-large system that's in place today, and that is to look at the relative strength of minority voting in the new districts compared to the citywide strength of the at-large system. It's almost always going to be the case that a conversion from an at-large system is an improvement rather than a retrogression from an at-large system. Section 2 of the voting rights act, as I've said, is the general antidiscrimination portion of the statute. It says that you may not discriminate on the basis of race or language minority status. [One moment, please, for] equal protection clause that gives us the one-person, one vote standard for equal population. Also limits a governmental body's ability to elevate race to the primary consideration in a directing context. And very simply put, the shaw versus reno line cases from the supreme court limits racial gerrymandering. Here's an example of a district that the supreme court found unsatisfactory under shaw. This is the shaw versus rino district. This is -- reno district. This is north carolina in 1992. The legislature drew the district, the yellow district up there labeled 12, follows interstate highway virtually across the state and collects african-american population concentrations as it goes. In an attempt to create a majority african-american district. It was challenged in court, made its way to the supreme court, and the court held this was too much consideration of race. That you didn't have to go this far in fashioning a majority minority district. An example closer to home, these are congressional districts in the houston area. The legislature drew the plans in the upper left of the slide. The dark district was intended to be and was a majority african-american district. The green district was a majority hispanic district. Challenged in court, the court applied the shaw versus reno analysis and

determined that that was too much racial gerrymandering. And redrew the plan that you see reflected in the lower right slide. And I will note that the relative strength of hispanics in the hispanic district and the strength of african-americans in the african-american district were very comparable to the strengths in the horribly gerrymandering district. So it's a lesson you don't have to resort to those kinds of terrible gerrymandering districts to accomplish the result that you're looking for in fashioning a minority district. From the shaw versus reno line of cases, we can deduce the following general principles. Race usually can't be elevated to be the predominant factor in restricting to the subordination of what the courts have called traditional redirecting principles, which I'll describe in a few minutes. But it's okay to consider race and indeed you have to consider race to satisfy sections 2 and 5. The key is not to overdo it. So you may consider race in fashioning your district, but not more than is reasonably necessary to do so. Lawyers call that narrow tailoring of the district drawing. And the other conclusion is that bizarrely-shaped districts are not themselves and of themselves unconstitutional. But are a clue that you may have elevated race to a level that's unacceptable. An example of redistricting criteria that we will consider you adopting -- suggesting plans to you. The first principle is to adopt districts of relatively equal population. And that's more than the one-person one-vote requirement. The last of them is tended to encapsulate -- is infend -- intended to encapsulate the other criteria. Not violate the shaw versus reno limit. In between are a number of criteria that courts have recognized over the years as traditional and valid race-neutral principles, suitable for redistricting. Most of them involve a large element of common sense as well. -- Large element of common sense as well, use streets, roads, rivers, creeks, even large parks, physical recognizable features on the ground. Don't use backyard fence lines, don't use platted survey lines that are difficult for anybody to ascertain the location of. Where it's possible and to the extent feasible, maintain communities of interest in neighborhoods. Don't split historically associated neighborhoods. Where possible and feasible, mostly in urban environments, such as austin, use whole voting precincts, county election precincts as your building blocks. Census blocks tend to be a lot smaller and they are the kinds using census blocks, often results in the kind of plan that we saw in shaw versus reno being challenged. So that's another reason to avoid using census blocks unless you have to, and if you have to don't split them. Use them in whole units, because as I've indicated earlier, the smallest -- they are the smallest area for which the census reports data. And if you split one, you have the practical task of figuring out how to allocate the population on one side of the split and the other. Finally, draw districts that are compact and contiguous. The shaw versus reno district was an example of something not at all compact. Where the court-drawn plan in houston was an example of something that was reasonably compact. So we know from a -- look at it when you see it point of view, what that means. And you want your districts to be contiguous, both federal and state law require contiguity. That's connectedness. You can't have a piece over on one side of the town disconnected from a piece of the same district on a different side of town. The planned development sequence is generally speaking the following sequence. First thing you'll do is adopt the criteria that govern the development of plans that I've just described or something like that. In addition, you will probably want to define -- to adopt public participation guidelines that have elements like if you are going to submit a plan, be sure and submit a plan that includes the whole city and don't just draw one district. The reason for doing something like that is that sometimes you can draw one very pretty district and it prevents you from drawing any other districts that fulfill the criteria that you're looking at. Another guideline requirement might be that comments need to be submitted in writing, and the person submitting the plan or the comments needs to identify themselves and provide contact information. And by the way, all of these sorts of things are going to have to be discussed and presented in the preclearance submission that's submitted to d.o.j. That's the application for preclearance. There's a long laundry list of expects you to discuss and that's one of them. The next task will be to develop one or more what we call illustrative plans. They're not the final plans. They're plans that the council is comfortable with and wishes to put out for public inspection and comment. Then let's schedule some hearings and other mechanisms for receiving public comment and perhaps proposed plans from the public. We will probably want to schedule one or more public hearings during this process. We will assist staff with analyzing the comments, primarily in terms of how well they fit with the criteria that you've adopted. We will report back to you on the substance of those comments or other plans that are proposed. And after making whatever changes to your illustrative plans you wish or starting with a totally different plan, get to a point where you -- you will get to a point where you adopt a final plan. That plan as I've indicated earlier is a change in voting practices and procedures, and requires that you preclear it. So we will assist you

with drafting the preclearance submission to the department of justice and submitting it, and also assist in fielding the inevitable questions that come during the process while they are analyzing the submission. And with a little bit of luck, fingers crossed, you'll get precleared and your new plan will be legally able to be implemented. Let's talk a little bit now about the specific senseless data -- census data that applies to the city. This pair of tables shows the 2010 census data for the city. The upper table reports data for total population. The lower table reports the same data, same kind of data, for voting age population. And you can see in the various columns there are total population numbers for both the total population and the total voting age population, and then each is broken down in this table by percentage. Percentage of that population that is hispanic, the percentage of that population that is nonhispanic anglo, the percentage of the population that's nonhispanic black, and the percentage that's nonhispanic asian and a catchall that's nonhispanic other. You can see the breakdown for the city for voting age population is 30.47% hispanic. 53.73% Anglo. 41% asian. I should note that the reason you care about voting age population is that you typically use voting age population for determining section 5 retrogression concerns -- retrogression concerns and for other voting rights acts concerns. That's the role of the two forms of data. We have prepared some what we call thematic maps for the city that show relative concentrations of hispanic, african-american, and asian population in the city. What we've done here is to take individual election precincts and color them if they have a relatively high percentage, in this case of hispanic population. So the darker red depicted on the map are areas that have relatively high proportions of hispanic population, and the lighter colors reflect successively less high concentrations of hispanic population. You can see there are two main concentration areas, one in the southeast and one in the northeast. Same kind of map for african-american population shows a predominant concentration of african-american population in the central east part of the city. And you'll notice that there is some overlap -- I'll back up. You can see there's some overlap of those two sets of concentrations in that part of the city. And finally, I will remark that while we prepared a comparable map for the asian population, the asian population appears to be significantly more dispersed throughout the city and there were very few of the election precincts that showed any measurable concentration or any particularly measurable concentration of asian voters. That concludes my presentation. Are there any questions from the council?

I would just like to take you back to the section 5, retrogression slide for the city of austin. What I believe I heard you to say -- let me get this. As it says in the first bullet conversion from an at-large system which is -- to single member district, would not -- would almost certainly be an improvement even with as few as what we have proposed, is that correct?

I think in general terms, yes. Preclearance and the retrogression analysis are not strictly about the numbers. But they're an important component. It is almost always the case when you subdivide a city into single-member districts that one or more of the districts are going to have minority concentrations that are significantly higher in number and percentage than the city as a whole. And that's really the point I'm making.

So the last bullet districts are almost certainly an improvement that would apply to six districts?

Yes, sir.

Any other questions?

Well, let me just follow up on the mayor's question, then. I want to be sure I understand it. The standard we should be using to think about retrogression is are minority voters more or less likely to elect the candidate they want to elect, and if they're less likely it's threat retrogression -- it's retrogression, and if it's more likely, it's progression. Is that accurate? -- Accurate?

I'm going to give you a lawyer's answer. The short answer is, yes, it's essentially captures the idea. But retrogression analysis is typically not quite so easily encapsulated. There are going to be other factors

that apply, but in general I think that's a correct assessment, yes.

If I continue thinking about it that way, I won't be going too far off?

That's right.

Okay. Let me ask you a -- well, a legal aspect to it, but to some extent it's a political question. One of the reasons why we have had so many failed attempts at establishing single-member districts over the years, I think is because a lot of people -- we go through the redistricting process in the state legislature and leaves a lot of people with a bad taste in their mouth. And I'm guessing that there may be best practices or better and worst ways to establish districts once you've actually decided to move to a single-member district system. Wonder if you could talk about -- are there best practices or ways that have generally passed legal scrutiny or have passed political scrutiny the people seem to be happier with?

If you bear with me, I'm going back to the process slide. The short answer is yes, we think that the process we've outlined, will get you a clean process. Without bragging too much, I will say that -- members of the firm have been doing redistricting for -- in Bob's case, 40 years. And for David Menez and I -- Mendez and I, 25 years. And we have a fair amount of experience, including the trial of Shaw versus Reno case -- versus one case and the defense of several section 2 cases of some note. From those, we have come up with the system that we've outlined above. They are also -- these elements partisanned in a way -- patterned in a way that are designed to produce a process that answers all of the requires that you've discussed in the submission itself. You have to talk about public process. You have to talk about outreach. You need to talk about and that you have made bona fide efforts to include minority participation. Things like that. So the process we've outlined I think is geared to do exactly those things. The criteria we suggest you adopt are in reaction both to section 2 cases to court's recognition that there are certain criteria. Those traditional redistricting criteria that are valid, and that it makes sense to codify them. But you also want to be aware of the legal requirements, and particularly the Shaw versus Reno don't gerrymander requirements. And we build those in. The development of illustrative plans is intended to be an iterative process for the council -- an iterative process for the council to counsel one another well how to draw districts that are both practically, politically, and legally satisfactory. And then put them out for public reaction. And pay attention to that public reaction. Not just from a political point of view, but from a process point of view. And then to get to a final plan, that hopefully reflects a fair balancing of all those competing considerations. There is no guarantee that any process is going to produce a map that everybody is happy with, but the hope is that there will be enough satisfaction, having participated with and wrestled with the problems of drawing a map. It's not terribly easy sometimes to come up with a good map. And part of the process is also frankly designed to get some buy-in from the public.

How many jurisdictions have you gone through this process with?

I don't know, David. 250?

Okay. So this is a -- a time-tested set of procedures?

Pretty much.

How often does it fail?

What do you mean by fail?

Fails preclearance or fails to gain public support.

Not very often. We have had a couple of situations where we have had department objections, and I think it's fair to say -- I think I'm being accurate that in both cases, the jurisdiction didn't take our advice as to which plan to choose. And you try to defend and sometimes you just can't. I will say that in at least one of those circumstances, and maybe both, we think and still was wrong.

Okay.

You can't always tell who you're going to get reviewing at or what the political whims up there are going to be. -- Going to be. So this is not a guarantee, but I think two things. The point that the mayor made earlier, that he wanted to emphasize, which is you have a much simpler task convincing that your change is nonretrogressive, and ought to be clear, because you are moving from an at-large system. Two, a single-member district system where you can demonstrate that you have drawn one or more districts that have a higher concentration of minority voters than the city at large does. The complication, if there is one, is sorting out the fact that Austin as a community has had a fairly demonstrative history of electing minorities to positions at large throughout the community. And that camouflages a bit the principle that I'm describing, that -- I won't say it's a no-brainer, that it's a better system from a retrogression point of view, because Austin community, where there's typically not a lot of polarized voting.

On the other hand, the standard that you at least tentatively agreed I was on the right track with a few minutes ago was not, are we electing a lot of minority candidates. It's that our minority voters capable of electing representatives that they're happy with.

I think the easier way to think about it is, does the new plan reduce the ability of minority voters to participate fairly in the process and to be able to elect representatives of their choice.

Okay. I understand. That suggests to me two things. This whole process that you've been describing, the fact that you have a really good track record. First that in this first go-round of directing, we can demonstrate good behavior by going through this by taking your advice, in particular by developing plans that make sense and fit the criteria well and by taking very seriously the comments we get when we get through the public comment period. And using that to improve the plan so that with each successive iteration, the plan gets a little bit closer to meeting the criteria both we established in the beginning and those identified by the public service, as part of the public hearing process. And that puts us on a track of showing that this actually can be done in a sensible way, that but the public will eventually be happy with. Second it seems to suggest to me that there should be some way of codifying this so that a process like this ends up in our city charter, ends up in the proposal we make for the city charter election. And to the extent possible, we can demonstrate this is what we're going to do 10 years from now and 20 years from now. This kind of process, it works right the first time. It should work right 10 years from now, too. Does it seem reasonable?

I think it's a reasonable starting premises. As a lawyer, and inherently a suspicious person because of it, I would say that you need to be very careful about the degree to which you specifically -- you specifically codify as you put it, a particular process into a charter, which is a very hard to change.

Wasn't proposal to higher a bigger staff as being in the city charter, but --

I was going to get there. [Laughter]

now, the point I'm making is that if you codify something in a charter, and the law changes, in the meantime, you are stuck with the standard in the charter that you really have some trouble fixing. I think the more practical way to deal with this is for the council to have long memories and remember next time when it comes time to redistrict, if you indeed convert, in 2021, which sounds a long way off, but

isn't -- that this kind of a process will serve you well again.

If there is a way -- i understand your point. And some things shouldn't be done by law, it should be done by congestion or administrative procedure. Put convention or administrative procedure. But if there's some subset of this process that can be codified and put into the charter, I think it will assure people that we won't a free-for-all, every councilmember for themselves. There's knee telling what's going to happen out the other end.

I think that's generally true. I will say that some pieces of this are, as a practical matter, not codified. That's too strong a word, but they are part and parcel of what you have to discuss in the submission and to already in affect that you've done. -- In effect that you've done. does a fairly serious investigation. They don't just look at the plan. They contact members of the community. One of the elements of the submission is to provide a list of contact information of community leaders, in particular minority leaders, and i guarantee you they pick up the phone and talk to them. So part of the fairness, part of the openness concerns that you're voicing, I think, are indirectly codified in the preclearance process itself.

On the other hand, it's also true. It's also likely that the voting rights act will someday be repealed or not be made to aplay to yawntsz, texas. -- Apply to austin, texas.

Probably not the entire voting rights act. But maybe section 5. Section 5 is the piece of the act that was challenged in the lawsuit from the north austin municipal utility district litigation. It went to the supreme court. And section 5 is also the portion of -- one portion of the act that actually has a term limit. It's set to expire from time to time, and in 2006, what spawned that litigation was the congress' renewal of section 5, with very minor changes. That will happen again periodically. I forget whether it was renewed for 25 years, I think. So sooner or later it will come up again. It's frankly hard for me to Sensible way, that but the public will eventually be happy with. Second it seems to suggest to me that there should be some way of codifying this so that a process like this endings up in our city charter, ends up in the proposal we make for the city charter election. And to the extent possible, we can demonstrate this is what we're going to do 10 years from now and 20 years from now. This kind of process, it works right the first time. It should work right 10 years from now, too. Does in a seem reasonable?

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So we got at least a couple more cycles of this where we can to --

you and I will be retired.

I look forward to that. Thank you.

Mayor Leffingwell: Any more questions? Councilmember kohl?

I want to thank you for your presentation but I do want to explore a certain line of questioning with you. Have you had other cities that have went from an at-large system to a single-member district system that you have worked with?

I have worked with one. David mendez, my partner, and the audience here has worked recently with three. And between bob and david and i, I think last decade we worked with a number of them. So, yes.

Well, because I'm vaguely familiar with sort of the history of the voting rights act, which was generally the premise that african-americans or hispanics would could not be elected in an at-large system, so we went to single-member districts and trying to cut out blocks to enable us to be elected. And so we're in a unique situation, and often where we have an at-large system, and now we're talking about going to a single-member district system. And you said is a few minutes ago that generally -- said a few minutes ago that generally the department of justice considers that progressive or favorable. Can you explain that a little more?

A little bit of history. looks at section 5 preclearance, the supreme court has told it that the only thing it may look at is retrogression. It doesn't get to look at section 2 standards directly or indirectly or anything else. There's actually a history behind that. IN THE '80s AND '90s, , without regulations saying explicitly so, in effect forced jurisdictions to try to draw the maximum number of minority districts. And that's why north carolina drew district 12 that got challenged in the shaw versus eno case. -- Versus reno case. put restrictions to draw even outrageous majority minority districts. In the subsequent cases, the a good hand slap and said, no, you are not permitted to impose section 2 requirements or anything else when you consider preclearance. But only retrogression. So what I really mean when i is going to find the conversion from at-large to single-member districts favorable, is because if you look in isolation only at the retrogression question, in general the transition from an at-large system to a single-member district system where almost invariably, a district or more are going to of higher numerical percentage of the population, the minority pop lakes than the -- population, then the at-large percentage at a whole is

going to be nonretrogression. I should say getting precleared under section 5 does not insulate from you being sued for other violations under section 2 or under shaw versus reno for if you fail to do the 10% -- fail to do the 10% balance under the one-person one-vote principle.

I want to pursue that line of questioning specifically with respect to the african-american community. Currently, we have had -- or let me ask you, for how long has the city council had an african-american representative?

I don't know for sure -- excuse me?

I'm thinking it's been at least 30 or 40 years.

Well, certainly since the EARLY '80s.

So --

maybe before then.

Councilmember spelman is telling me 71, because he's a professor, I believe him.

I have to confess I was not living here then. I don't remember.

Seriously, the reason I'm asking that question and trying to pursue that line of questioning is because of your will make calls into the community about how they feel about this potential change in voting procedure arises. And I know that the african-american community is very, very divided. And the african-american community is divided, I believe, for two different reasons. One is a large section of the community that remembers the civil rights act and associates going to single-member districts as creating more representation on the council, because by and large throughout the south, that's what happened. And then there's another section of the community that is very aware of the dispersion that has happened in the city of boston. And recognize that if they don't live in a particular segment of austin, they will not have the opportunity to vote for the african-american candidate. And my question is whether or not the one city that you represented or three that david represented, that went from an at-large system to a single-member district system initially had an at-large african-american representative.

The example I'm familiar with did not.

Miss cole, I'm david mend. . From the bickerstaff firm as well. The cities that I was doing, the san angelo, harleton and west licko, which is the most recent that I underwent the process with, did not have an african-american on the council at the time that we converted from the at large pressure large to the single -- at-large to the single high pressure -- single-member. There was a history of -- when they went into the single-member district structure, some of the council districts in each of those cities became predominantly hispanic. So kind of parallels with the question you're raising, but there was some limited experience in those cities. In the case of westlego and arlington both, they're both overwhelmingly hispanic communities, yet one council was predominantly anglo and the other city it was predominantly hispanic. But they decided to go to a single-member district structure and it -- you know, the percentage or ability of minority community to elect in some of those districts did get enhanced substantially.

Councilmember spelman has passed me a note that berl han cox was elected in -- hancock was elected in 1971. So moving back to my line of questioning and now that we're all properly informed, it sounds to me like the situation that you were describing in harleton and undoubtedly in some of the many cities in the valley is very different than the one we have in austin. And that's where we have had since 1971 an african-american elected at-large. And so when you talk about it being progressive or better for

minorities going from an at-large system to a single-member district system, i don't -- help me understand that that is necessarily true for an african-american for any -- i don't think that terminology fits the reality.

Two points. First, I was speaking in a generality. in general will view the conversion from at-large to single-member district as typically something that enhances the ability of minority members to elect. I wasn't speaking specifically to the austin situation or opining that the conversion for this city will or won't have a particular effect. And if I was misleading, i apologize for that. [00:13:14]

No, I wasn't trying to suggest that you were misleading. I was just trying to make sure that we made the record straight for the public.

The second --

and also for all of my colleagues, because we don't want to take the premise that it's happened in another city or that that type of statement and that it applies to every minority group, when -- if -- it really does not. But I'm not trying to suggest anything negative about what you said. But the reason I wanted to also point that out is because i think when you -- the department of justice ultimately makes some of those calls to community leaders, the answer, despite the fact of the way that you are looking at it now, under a different set of premises, that you will get from community leaders, is not that they view going from african-american being elected at large since 1971, and now being forced into a district, and I don't mean forced into a district, but a district drawn specifically for an african-american seat representing fewer people as progressive or better interest of the city or african-american. And I'm trying to get an understanding of how justice would interpret that.

I certainly understand your point. And in response I guess what i would say is to consider the success of a fellow jurisdiction here in the area, which is austin independent school district. I think what's implicit in the question you ask is than assumption that the -- procision of a single of had member district that has -- a concentration will somehow diminish the willingness of the austin community to elect african-americans from other districts or at large. And I think austin independent school district's experience is perhaps a little bit of an object lesson. They have two at-large members and seven single-member district members. And I think if consistently elected, both hispanics and african-americans to both at large positions from time to time, and to districts other than the district that is nom neal the african-american -- nominally the african-american district.

But there's no question the other governmentalt entities will be taken into considerations when they're looking at the practice and patterns?

One of the things that d.o.j. Often looks at are election histories. They will look at maybe a decade's worth of elections, not only of the city, but of other injurries dixes that share at least some of it, not a lot of, the same voters. So you can look at independent -- you can look at individual election precincts that are common to the city of austin and to, for instance, austin independent school district or the county, and ask how those precincts have voted in races that pit anglos against minority members. And --

I have one last question. Will it make any difference to the department of justice whether or not in the history of the other african-americans that they're look at by comparison who were elected at large, whether or not they carry the african-american precincts that we know of.

I think it's going to make -- it's certainly a relevant fact -- not irr. A relevant fact -- not irrelevant. A relevant fact as to what weight they will put on it. I can't say. The retrogression analysis begins with the numbers. But it doesn't end with them. The department will look at what typically is called the totality of circumstances. They're going to look at all of those kinds of factors. They are going, if they hear from the african-american community mex, that they contact -- members that they contact, both sides of the

coin. They're going to factor that in. I can't say what weight they will give to any of those factors.

Thank you. Thank you, mayor.

Mayor Leffingwell: Thank you very much.

Thank you.

Mayor Leffingwell: And council, before we go to our next briefing, we can go back to the morning item. 11, 12, And 42. I think we can dispose of item 42 fairly quickly. With that objection, we'll go to -- without objection, we'll go to item 42. I see here a comment from the city attorney.

Yes, mayor, I would like to recommend that the city council postpone consideration of item 42 today due to a development which occurred yesterday in a lawsuit that challenges the process by which the council grants historic property exemptions. It would be my request that the council postpone this matter until may 26th to give the law department and our council an opportunity to look further into that issue as it relates to this matter that is before you tonight.

Mayor Leffingwell: Thank you. We're entertain a motion on eye number no. 42. Councilmember morrison moves to POSTPONE UNTIL MAY 26th. Seconded by mayor pro tem. Further discussion? All in favor say aye. Those say no. Passes on a vote of 6-0 with councilmember shade off the ballot.

Thank you, mayor. I want to begin by apologizing johns because he's been here all day just to answer a few questions about this, so this is egrso community initiatives development corporation. And we have submitted some questions and I didn't get them until this morning, too. So they did help a little bit. But my question was, can you tell me what this consultant -- this contract is all about?

Kevin johns, director of economic growth, redevelopment services. The contract is a key part of our strategy to attract federal financing for the city's redevelopment project. And also to attract federal dollars for small business financing. As opposed to relying upon scarce city resources.

So does this have to do -- and the answer when councilmember spelman actually asked about this, too, is there one -- you mentioned one specific project, and it sounds like you're talking about the latio project, the one in the area that we approved submission of a betty grant. Is that correct?

That is one of the projects and that was prepared and y'all approved in january.

Okay. And then it says to finalize funding for that project. Does that mean that we've gotten -- this is the last piece of the funding, that's put intolation?

Yes, it does. The note for that still has not been released from hud. And that is one of the three agencies we're seeking funds from.

This won't really finalize it.

Well --

how would it finalize it, i guess?

If we receive -- if the nova is released -- nofa is released, we should be in pretty good shape. But there's a new one coming out from the treasury department, notice of availability of funding. And also an additional notice of availability of funding from the department of commerce. So we would apply for

funding for those -- for those agencies as well. And that money would be used to do other projects in addition to sought, like we would use it for waller creek to incentivize local businesses, and new developments. Again, using federal dollars instead of local dollars.

Okay. I mean, that all sounds good. I think we're all for incent incentivizing small business and all that. Is there a scope of work, because we're going to be spending \$100,000 on this and I'm trying to get my arms around exactly what their responsibilities will be. Do we have a list of projects that they're going to be going after or deliverables or anything?

Yes, we do. It's over -- it's a one-year contract for \$49,000 with an option for a second year. And they would be required to assist in the preparation of the -- our lead in the preparation of the funding applications to the department of treasury for -- this is nofa, which is being released in june, a second one by the department of commerce also in june and one in july, which is being released department of housing and urban development. And then their scope of services requires them to assist egrsl and also neighborhood housing to work with local businesses in each one of the redevelopment areas. Both to show them how to use the federal dollars, because, as you know, there are paper work -- they're paperwork-intensive and there's requirements and the davis bacon act. They have to hire in certain neighborhoods or in certain areas in certain income levels. So the scope of services also requires that type of training and education with the businesses in each one of the redevelopment areas where we're moving.

And do we actually have a list of those redevelopment areas?

Yes, the city -- the egrso has put together a list of all of the redevelopment plans that have been approved in the city that have been put together by the department of planning. And so we're following those plans and beginning to fund financing to implement those plans. So it would include the transit -- the transit-oriented villages that are part of the train system. It would include east riverside. It would include waller creek. It would include -- I'm losing track of the two, but generally, we put the -- the city puts the redevelopment plans together. And so egrso would find the federal dollars and then create catalyst projects to begin to implement those plans. And solito was the first that you saw so we'd use -- one of the templates.

Okay. So now I'm starting to understand.

Thank you! I'm sorry.

All right. Yeah. Okay. Well, so -- I guess I would be interested to just get a list of all the -- what you're calling redevelopment projects, because I think of those in different language. So maybe we could work with the planning department and egrso and get a better idea of what's going on.

I'd be delighted to do that. Thank you.

How will we know, kevin, whether cidc has been successful in the end of the year when we make -- [inaudible] for another year?

I think that's a very good question. The -- our performance has to do with finding the funding. So I think basically, we have at least three opportunities to created major financial resources to become available to the city and so if that doesn't happen, and I would not consider it successful, but if we get one or two and it's a substantial improvement, I'd be happy to brief mayor and council. I will when we get -- when we get it, I'll bring it to you for the applications and then I'll bring it back when we receive it just like the discussion this morning.

Have we -- have we bid on these notice of funding availability opportunities in the past?

No, these are -- these are new. They're existing programs in one case. The existing program is the department of treasury program. It's called new market tax credits. That is an existing program. There's a new nofa, new program that the obama administration is about to release from the department of commerce and a new department of urban development. So those two are brand new.

You guys have been in this business long enough that they can deal with a new thing better than anybody else -- [inaudible]

yes.

Thank you.

Thank you.

Mayor Leffingwell: Any other questions, colleagues? Got -- move by councilmembers, all move for approval. Any discussion. All those in favor please say aye. Those opposed. That motion carries on a vote of 5-0.

Thank you very much.

Mayor Leffingwell: Thanks for being here all day. We can take up item 12? Yes. Who pulled item 12?

That would be me, also.

Mayor Leffingwell: Great.

This is an an an item in health and human services about a mother-friendly work site policy initiative. And I just thought it sounded like a great project that we have going on. And could lead to some real helpful things and I just wanted to make sure we all knew what was going on and allow a minute to highlight it.

Hi, shannon jones, acting director of health and human services. This is an award from the texas department of state health services to allow us to develop initiatives to incentivize what we call a friendly mother workplaces. The goal is to develop policy and procedures that we can use at local helicopters particularly here in -- health departments particularly here in jaunt where mothers can practice lactation in their workplace. It's only \$10,000 but it helps us over the next few years to be able to develop the strategies to do that. It is our hope to work with our department. The model -- to model that and long term to be able to hopefully replicate it in other parts of the city.

Sounds terrific. And other parts within our city government departments, i assume, but also share with other folks around --

exactly.

So with that, I'll move approval.

Mayor Leffingwell: Motion by councilman morrison. Is there a second? Second by councilman spelman. Any discussion. All those in favor say aye? Motion carries. Now, I think we can get to our 10:30 a.m. briefing. Jones? No, first of all, I want to apologize to ail all of you and thank you. I know you've been here all day waiting here for this, and it doesn't make sense that something is on our agenda that 30

and here it is almost eight hours later. More than eight hours later. But it's -- when it's posted at a time certain, it just simply means it can't come up prior to that time. And I apologize, but I thank you all for staying here. Welcome, mr. jones.

Thank you very much. Shannon jones, acting director of health and human services. We're happy to be here tonight to retoo you the rfp process and recommendations for the self-sufficiency and continuation of services for social services. Although there have been competitive processes for specific services, there has not been an overall social service competition since 1999. But the leadership from the hub health and human services committee, council, the former health director, and hhsd staff, run afp was developed to address the continuum of services on the self-sufficiency identified in the current city's comprehensive plan. The public health and human services committee and city council approved the content of the rfp and evaluation factors. Staff have worked extensively with the committee over last year to develop the rfp process. Some key elements include the following. An extensive public process beginning in december of 2009, through mid 2010, with numerous public health subcommittee meetings and work sessions. Surveys of seven comparable cities who have conducted similar processes. A series of public meetings with a technical advisory panel, which include other city departments, and three external experts. Internal reports to the public health and human service subcommittee were provided as well. After multiple meetings, focused on prioritization, the health and human services subcommittee recommended the five self-sufficiency goals in the city's comprehensive plan with a wait -- comprehensive plan with waiting to preface each of those priorities. [Captioning will continue shortly]

those new agencies also included partnerships, proposals were objectively evaluated by a broad range of evaluators including other departments and external cities -- and external persons within the city. There were several comprehensive proposals that included multiple partners. The recommendation includes new agencies and existing agencies as partners in some proposals. Many proposals address multiple goals or additional points. As you'll hear shortly scores varied widely in quality with scores ranging from 96 to 36. Per your direction the rfp was based and evaluated on the comprehensive plan goals. The principal objectives of rfp was to enable the city of austin to purchase services that promote self-sufficiency for targeted citizens based on the city's comprehensive plan. And just for your reminder, safety net and infrastructure services, transition out of poverty, problem prevention, universal support services and enrichment services. This effort has been greatly enhanced by the dedication of our staff and a lot of long hours towards that effort. I would now like to call dorinda and walk you through the process and recommendations that we have for you.

Thank you, mr. jones. Welcome.

Thank you, shannon, council members, mayor pro tem. My name is dorinda deploy with the health & human services department and we'll start a review of the recommendations by taking a look first at the budget that we had for this project. The budget was 2 million for the social SERVICES RFPs. The total social services 4 million, so we did have some items that were excluded from this rfp. Those items were the sickle cell program, which is a public health program, our hiv services program, which is tied to our wright grant, our arch and children's shelter was not included because they had been competitively bid in 2010. The direct child care program was not included because it is tied to one of our federal grants, and then our administrative services and planning rfp dollars were set aside because we didn't want those administrative dollars competing against direct services. The recommendation that we have tonight is reflective of the matrix that was part of the approved rfp process that we went through to get to the rfp that we issued. The matrix did drive both the proposals that we received as well as the end result, because the end result was based on the scores from the matrix. The matrix included weighting, which you may not be able to see in the small print, but it weighted the safety net and infrastructure goal at 60 points, transition out of poverty at 55 points, problem prevention at 50 points, universal support 35 points and enrichment at 30 points. Additionally we provided points for proposals that included additional goals, trying to encourage organizations to get out of silos and have comprehensive programs, so if you had one additional goal you would receive an additional -- up to additional ten points. Two additional goals you could receive up to an additional 20 points. Then we had 10 points for cost-effectiveness and 10 points for organizational capacity. Once we received the proposal, as

shannon mentioned, we received 73 proposals. The total requested dollars was 28 million. 2, which left us with a difference of \$15 million of requests that could not be addressed. When we look at the recommendation that we're about to look at and align those with the goals, you see the alignment within each of the goals on this slide, we are slightly over budget with this recommendation, and we intend to close that budget gap through negotiations. This proposal -- this recommendation includes 16 proposals. It includes a total of 33 agencies, either as a lead or a partner. There's 23 current agencies and 10 new agencies included in the recommendation, and again, this chart that's showing the dollar investment in each of the goals represents both the primary and the secondary goals that the agencies are going to address. And on the next slide we've got a little diagram of how the transition plan is going to work, and we want to be clear about that before we get into the next few slides which will talk about the actual recommendation. What we are proposing as a transition plan is that we would extend the existing contract through march 31, start the new contract on april 1. So that means that total 2 during the first year, 50% of that would actually be spent with existing contracts, and 50% would be spent with the new contracts. Approaching it this way we give a lot of time to the existing agencies to try to work through adjustments that need to happen, and it also allows us to provide that time without having to have any additional funding to support the transition process itself. So when we look at the actual recommendation it 2, but that first year the new agencies 6, and then in the following year would get the full year of funding. So these would actually be 30 month contracts instead of 36. Getting to the actual recommendations of which agencies we're recommending, I'm going to touch on each one with just a little bit about what the services are being provided by that agency, but I want to reiterate that we really encourage agencies to propose comprehensive, integrated plans. So many of these agencies are providing many more services than I can stand here and list, unless we want to stay really late. So I'm just hitting the highlights here. In the backup material that we have provided you, we've tried to give more of a summary so that you can get a better feel for the more extensive list of services. I think we're significantly familiar with all of these organizations, so you don't need to go into great detail with them.

Okay. Very good. Okay. Meals on wheels will be providing meals for home bound older adults and disabled individuals. Youth and family alliance will be providing emergency shelter, transitional living, supportive housing, street outreach, travis county domestic assault services, will be providing emergency shelter and comprehensive services for adult, domestic and sexual violence survivors. Caritas of austin will be providing comprehensive homelessness, prevention and rapid re-housing project. Easter seals of texas will provide comprehensive resources and support to lower income individuals with disabilities including housing. Family elder care will provide services to promote self-sufficiency among older adults and adults with disabilities. Caritas of austin will provide transitional housing and substance abuse counseling for 20 homeless men and women. Communities and schools will provide school-based social services for dropout prevention, child abuse prevention and intervention. Workforce solutions, capital area is providing a comprehensive education and employment and training services. Black line community development corporation will provide affordable transitional housing to homeless and near homeless families. Goodwill industries will be providing an assessment, job rating training, occupational skills training, financial literacy, employer development. Casa marinelli will provide emergency and transitional housing with comprehensive support services. Aids will aid will provide tutoring and other academic services to lower income children and youth. Easter seals central texas will provide basic necessities for low incomes people with disabilities. , And the ywca will provide mental health and substance abuse counseling for women and their families. We also have a few notes of services that are not included in the recommendation. Not included in the recommendation are services from providers whose primary focus is mental health, substance abuse, legal services and long-term employment training. However, because we looked for this comprehensive integrated model, there are some aspects of those services are being funded throughout. Continuing some of the services that are not being funded, child care quality program and then our interlocal agreements are impacted as following. We have three aid interlocal programs. One of those is included in the recommendation. We currently have one acc program, which is not recommended. However, acc is a partner in two of the proposals. Neither of the two current atcic programs is included in the recommendation, and no proposal was received for the travis county truancy court program. We had some follow-up items from this presentation that we made to the may 9 public health & human services committee meeting, and we wanted to let you know what those follow-up items were. We're working on

those and we'll have those ready for the full council early next week, we're hoping. So I just wanted to run through those with you. We did have a question about what documents could be made public at this point in the process, so we got with legal, looked at that, and we issued yesterday the documents that we felt could be made public. Those were the scoring matrix that would have been posted anyway with the agenda on friday, and then we provided the summary of services from each proposal and then a summary of that, and then we provided a document that compares what's in the recommendation to the current services. And all of those documents were in the packet that we provided you in advance of this meeting, and the scoring matrix we provided you hard copies this evening. Additional issues that have been raised and we're working on is providing some history on agency funding, providing some kind of summary that's showing other city funding that may be related to these types of services, a summary of the types of services that are not funded in the recommendation, and that information is in a lot of the detail that you have, but the request was to try to get it summarized more so that it would be a little easier to digest, and then information about the leverage or matching dollars that was cited in each of the proposals. Each of those items we are working on now and we expect to have to you next week. At this point what we have predicted is our next steps is -- this item is projected for council action on the may 26 agenda. The current contracts due in on september 30 of 2011. As I discussed on that earlier slide, what the staff were recommending as a transition plan is that we would extend those contracts from september 30 through march 31 of 2012, which would give us that additional transition period for the current contracts, and we would start the new 30-month contracts beginning april 2012. So that concludes our presentation. thank you, ms. pulley. I did want to give my thanks and gratitude to all the staff, shannon, assistant city manager, lumbreras. Getting us to this point. I know there's still a lot of work to do, but i appreciate you following through on the requests that were made of you by the health & human services subcommittee and the council direction. Council member shade? I'd like to say a few things. First I know that you said this right at the beginning of the presentation. I apologize for everybody for such a long day and many of you were here early for 30 and this is kind of sometimes what happens at city hall. So I thank you for your patience. I think, you know, we've certainly been, you know, hearing from people, especially since we got our memo last week, and I want to assure everybody that funding hasn't been cut. We are now beginning a process to look at what the results of an rfp process was that we called for. It's been discussed for three years that -- you know, that I've been up here, there's been discussion, and before I was on the council, I know when betty dunkerley chaired the committee of public health and services there was discussion about changing the rfp process. So we talked about changing it. We looked at the idea. We got a lot of input. We had some pretty hard meetings last summer to start that process, and i came across a quote, because this is obviously tough decisions. There's not anything on the list of proposals that we wouldn't want to fund, at least that I wouldn't want to fund. But I found this quote from theodore roosevelt that i want to use right now because I think it's important for us to keep that in mind as we move forward. In any moment of decision the best thing you can do is the right thing. The next best thing is the wrong thing. The worst thing you can do is nothing. And so we are not doing nothing. I don't think we're yet at the right thing, and we're going to be working really hard to make sure that we don't do the wrong thing. That's really the goal. So our public health & human services committee did take some input at the meeting that we had this past week. We are scheduled for our monthly meeting on tuesday of this coming week, and i would expect that we would continue this dialogue at that public health meeting. Our council will likely want to have a work session, so I'm going to predict that by may 26 we won't be ready to take. I think that there's going to be a deliberative process, and I want to be involved -- of course I want to be involved in that and i would expect that my colleagues would because when we started this rfp process we went through a hard process of prioritizing, and then we said, but we want to make sure we have the opportunity to look at it before we would make votes. So this isn't like a best bid kind of a deal because we need to look at what the implications are from some of the gaps that were raised, and that's, again, what we're doing. That's the process here. So today was a briefing. I also want to remind the public who's watching and certainly all the organizations who are concerned that we're not, you know, a foundation that gets to sit in a room and have a really great retreat and use dots and decide what we want to prioritize and change our philosophy for fund and then come up with a great plan for execution. We aren't that way, because we're a public entity. We have to have this discussion, open. So you're hearing it as we're hearing it, and i don't know that people really realize that. There are no other meetings that have been going on that -- we're all about transparency, and so it's been -- it will be a little bit messy and a little

uncomfortable, but we're going to have to have those discussions to have the tough decisions -- you know, to make tough decisions. So no funding has been eliminated. We had a priority -- well, we had said early on, our committee did, and the council backed us on this and I think it's evident in the presentation you just saw, that it will be very important to us to manage the transition appropriately, but again, we can't, you know, come up with a new idea and then present it. We have to go through this process. We're going to be doing this publicly and you're going to see that, and I appreciate the staff getting more information available for the public to look so we can do a better job. I think that we do need to make sure to get a legal clarification on how to deal with the anti-lobbying ordinance in this space, and I know that council member morrison asked that question. I still don't think we've really gotten complete clarity on that. Maybe you have something that you know. let me just add, I can I think that what -- I think what we need, because we were sort of talking hypothetically on -- at our public health & human services meeting, and we're really speaking about a very specific situation, , austin interface members who are supportive of a program called capital idea but not formally related to t and what we heard from the legal staff, as I understand it, it really depends on the details of their relationship. So I'd like to suggest that we promote a conversation and get our legal staff together with representatives from those organizations to explain the relationship, and then they can tell us if there's an issue. yeah, and I think the other thing that we need to be able to do, bert, is be able to have the conversation about the concepts in general without specifically talking about a particular contractor. So we need to understand the ramifications of mental health in this community, should we make the funding decisions that are being recommended at the moment by staff, and we need to be able to talk about that without regard to one contract proposal over another. So I think we really need to understand that. And again, this conversation I expect will continue on for a little while. So if you can get us some clarity on both of those two that would be really important. And the other thing that i was going to say was to those listening and to my colleagues, who some of you have you know, have heard us say this at the public health meeting, but, you know, this is again about choices in the context of the larger budgeting process of the city, and I think that this is one of the reasons why we wanted to time it this way, so that we could do this at the beginning of the budget cycle, so that when we get to the fall and we're actually looking at the budget and we're talking about all the other things that the city does, we'll have an incredibly valuable way to articulate and quantify what it is that we need additional funding for in this bucket, which is not -- which has not grown -- this \$13 million pot has been the SAME, ROUGHLY, SINCE 1990s As well. And so we've just been renewing contracts and we've not really had a good argument to be made to why we might need to change some of those funding priorities. And we've talked a lot about how we're going to be going into the budgeting process with a lot more open discussion among council members in our work session and we really need to understand how this fits into the larger scheme of funding, because again, this is an area that has not grown in years, and what better way to make that case than to actually have proposals with quantifiable results that match today, not 1994 or 1999, to be able to make that case. So I think that's going to be really important, whether we're looking at economic development, whether we're looking at public safety, whether we're looking at youth services, child care training or the basic needs in poverty transition priorities that we have in this group. So I'm going to stop talking and just say, get your seatbelts on. This is going to be a little bit of a bumpy ride but we're going to get there. and I'd just like to say that this process really began in earnest, probably already said this, about three years ago, and one of the catalysts for doing what we're doing right now are not only the things that council member shade just talked about but also the fact that other funding agencies in the area changed the way that they funded social services, in particular united way, with very little notice to the city and the county, changed their priorities and basically decided to quit funding basic needs, whereas that had been spread across the spectrum, city, county, united way and others had all pitched in to fund a broad spectrum of social service needs. Now all of a sudden the city of austin/travis county had to reorganize our priorities. So that's one of the catalysts for doing this, and of course the other is to take a serious look on a merit-based performance matrix and try to make the best that we can on the limited dollars that we have. Council member morrison? thank you, mayor.

[Inaud [inaud ible] name tag. I do agree that we're only at the beginning of this process, and I just wanted to remind folks that what we've -- what we looked at when we put together this mechanical system for scoring, and that's what it is, it's a mechanical system for scoring, and what we have from the staff is an output of those computations and those formulas after they have evaluated the things -- the proposals, and that is that we identified goals, which are relatively general goals, and then we put

priorities on those goals. What was missing from that was any identification of types of services, because there's a lot of services that can fit into transition out of poverty or safety net or problem prevention. So the concern that I have, or where I think we need the most amount of work now is to look at a spread of the types of services that we have in the top scoring. I mean, there's a lot of good stuff that came out of being able to evaluate based on this formula, because we're able to, you know, certainly promoting integrated services and all is a very important thing, but I guess the point is that the mechanics of the formula did not capture everything that we really need to consider. So I think that that's one of the big jobs that we're going to have is to look at what that balance is of the types of services are, because, you know, I'm concerned, as staff pointed out, for instance, that substance abuse is not -- is no longer funded. Now, in fact, it is part of another program, but when I started delving into those numbers, currently we fund space for 200 folks in substance abuse treatment, and the -- where it is as a secondary item is somewhat less -- it would be 30 or less. So we just need to realize if that's the decision that we're going to make, that there's going to be 170 folks in our community, or spaces for folks in our community that aren't going to be [inaudible] substance abuse treatment, and let's just be real about it. We will be financing the impacts of that through other -- other systems in our city. So I think that we need to just be real clear about the choices that we're making, and if we're going to have to make those hard choices, we really need to work to find replacement funding and so that that can still be part of our community service overall. Some other -- I just want to share with my colleagues and folks some of the other issues that I heard at our hearing, because we're unfortunately not going to be hearing from the public today, and there was some very compelling and important things that I heard that I hope that everybody can start thinking about as we work on this over the next couple of weeks. Number one, we don't know what gaps we're going to be facing from the state budget, which won't be final for a little while, and I think we need to take that into account. We do need to take into account and understand previous council actions. For instance, to sponsor certain programs. As I understand it that has happened, and if now we need to go back -- I think we should go back and look at what council took that action in the first place, make sure we understand what that priority was all about. I also understand that some of the -- some of the situations are that we used to have, for instance, funding in the city for a particular service, but then we decided that we would actually move that service and support it through an organization, for example, aps -- apd and child protective services have a relationship that moved funding from apd to social services to support child protective services because that was an integral part of our -- you know, our law enforcement service, so we need to understand that before we suggest that that's no longer going to be part of what we're serving. And, you know, the bottom line is abused children that are taken into the system, they have to be served, so we have to find a way to make that work. Also, the issue with mental health. It's my understanding that the city used to fund mental health and we actually moved some of that funding directly over through an interlocal to integral care, so if we're deciding now to divest ourselves of supporting mental health, well, you know, we have sort of set up that structure and now through this other approach to things we're changing that structure. So I think that we really need to look back at why we were sharing, you know -- we used to provide that service and we decided now somebody else could provide it for us, but now we're divesting ourselves. It's just an unraveling of some of the service. I just want to make sure that we all really understand how we got to where we are and use that as some of the foundation of our decision-making. And then two other things I want to mention, and that is that I heard -- and that is that we have one organization that submitted a proposal on their own and then also as -- it was a partner in another proposal. The partnership proposal got funds -- got recommended, but the proposal on their own was not recommended. Well, if the proposal on their own is not funded, they may not be able to survive, in which case they won't be able to be part of that partnership, so you can see sort of an unraveling of some of the assumptions that we were making. So if there's a complicated relationship there. And then the last thing I want to mention is that we really do need to take a look at the matching dollars that may or may not be lost in this community because as I understand it, there's some -- some millions that we're talking about. So we have a lot of work to do on this, and I am ready to roll up my sleeves and make sure we get it right, and bottom line is it's far from perfect, and we're far from complete. That's my perspective, and that the council has the authority as well as the responsibility to make adjustments to appropriately serve our community here. council member cole? yes, I certainly want to thank health & human services committee along with the staff and council member shade as chair for delving into a very, very complicated issue, and I also respect the fact that it has been an enormous amount of work on staff just

to get us this far, and we are nowhere near done. And of course I've been hearing from people in the community, not contacts from agencies or contacts that are impermissible, but I think that question of what is impermissible contacts does not need to be limited to any one organization and I also think we need to get a little further down the road about the direction that we're headed and what needs to be defined as our goal to looking at what you-all did there before we -- I guess -- I'm just saying I don't know how much good it does for us to be inundated by all the agencies that are involved before we have even begun to land on what we want to define as a safety net, because what a safety net to me is may be very different from what a safety net is to any of the members of the community. So the one thing that I want to definitely ask staff to provide to all of us is the 19 agencies that were -- that submitted proposals which are not part of the recommended proposals. And in that information I'd like to see how much was funded in the previous year by that agency and how much is currently funded, and if we're not familiar with a particular agency and what they do, then we will simply request additional information from you. I share with council member morrison a very deep concern about what is going to happen at the state capitol and what may be left. So to the extent that we can visit with our intergovernmental department and have any kind of idea - And that is at we have one organization that submitted a proposal on their own and then also as -- it was a partner in another proposal. The partnership proposal got funds -- got recommended, but the proposal on their own was not recommended. Well, if the proposal on their own is not funded, they may not be able to survive, in which case they won't be able to be part of that partnership, so you can see sort of an unraveling of some of the assumptions that we were making. 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And in that information I'd like to see how much was funded in the previous year by that agency and how much is currently funded, and if we're not familiar with a particular agency and what they do, then we will simply request additional information from you. I share with council member morrison a very deep concern about what is going to happen at the state capitol and what may be left. So to the extent that we can visit with our intergovernmental department and have any kind of idea about what is coming downstream, I think that would be very, very helpful information to know. And third, I believe the mayor talked about other governmental entities such as the county or nonprofits such as united way, who have made changes in their matrix and how they evaluate requests from different organizations. And many of them have went to a system very similar to what is my understanding that we're trying to do, which is more of a need-based, merit-based, but of course we're not all clear what we define as need-based and merit-based. And so that we need to get a sense in the comprehensive city, are we all going to do the same thing? And who does that leave out? Because if the county is doing this and other major agencies are doing this, maybe we don't need to take this that far. So I definitely think to the extent we know what other changes have been made, we definitely need to be informed of that and what impact that has had on particular nonprofits so that we can make a more intelligent decision. And finally, I want to say that one thing I definitely noticed in the comprehensive plan goals and in some of the other information that has been out in the media, that -- is that children were somehow missing from the analysis, and I think it's --

I think it just may have been for no real reason other than we were thinking about transition from poverty applying to an adult. So I really need to understand -- I really need to understand why the children are not included in any of the services that are provided to the agency, especially -- well, just any of the -- it just seemed -- that's what struck me, is that the agencies that provide services, whether they're abused children or foster children, and I know my colleagues did not intend to overlook them. That's not the case, but I just want to make sure that when we're looking at that -- and if that's not what we're going to do for some good reason, then the only good reason could be that another agency is going to pick that up or another nonprofit is going to pick that up. So that being said, I had more comments that I did request from staff, but thank you, mayor. council member shade. well, I wanted to say one thing is that council member morrison and I serve on the community action network board, so we do on a regular basis meet with all the groups that you've just talked about. I know you've served on that before. But we definitely are communicating and have a sense of what each other is doing, but each of the last several meetings that we've had, and I would guess it would be again tomorrow, we've also been getting legislative briefing on sort of what is happening or is anticipated to be happening at the legislature. Of course we don't know the answers yet, but we are definitely monitoring and tracking that carefully, both she and I, we go -- it gets really very depressing on a Friday afternoon to hear what people are expecting, and I think it's interesting because just, you know, not too long ago we were talking about how we'd work together with all the different government entities at the table, with stimulus funding, and now we're talking about what to do with the major cuts. It's just amazing how much has changed in just a year. And right now the last presentation that we saw from one voice, and I believe it was Walter Moreau who presented on behalf of the organization, it was at least \$10 million for this group of agencies collectively in the health & human services arena just from state cuts, in this community anticipated and that's at the state level, not talking about federal yet, and they have been working on -- we have one voice representatives here who are working hard to track that so we can have more precision. And again, this should be part of what we're thinking about when we ultimately decide what to fund and when we go into our own city budget cycle. So I thank you for raising those positions. And as far as the children -- those things. And as far as the children go, I guess you can't believe everything that you hear in the media or that you read in the paper. We clearly have an issue with the child care training, and we definitely have, you know, some proposals that were in the -- you know, in the third priority area that relate specifically to the -- to some of the children that you're talking about, but we also have proposals that do deal with children and youth that are in the recommended groups as well, if you look at the list, I mean, communities and schools, safeplace clearly is domestic violence and lots of families, and I could go on and on. So we're not neglecting or forgetting the children. We just have to figure out how to fund more of it. And you're right, mayor, could I answer that? council member morrison. I do want to point out that in terms of the way we ended up prioritizing, there was a -- the highest priority, the most points went to safety net. The second highest weighting priority went to transition out of poverty, and the third went to problem prevention. And so I think some of, you know, maybe our early childhood education and things like that probably ended up in problem prevention, so it was not weighted as heavily, although, you know, the argument could be made, it's the return on investment. So I think that we need to, you know, keep all of that in mind, and I do want to follow up also on the Cannes discussion, but a fabulous department at the table at Cannes, and one of the things we talked about and hopefully we'll get on our work plan for next year, is that we all need to have a common language for talking about kinds of services.

Cole: exactly. because we don't even have that common language, but if we did we could at least start saying, you know, we're carving this out, and this -- carve that out in terms of what they support so we can know that there are gaps and redundancies at the same time. And so theoretically in concept that should work, but we don't even have the language to get there yet. So hopefully that's something we'll work on.

Cole: mayor? council member cole. I appreciate exactly what you said, council member morrison, and I guess this question could either be directed to you or council member shade or Bert. Well, actually council member shade, you said that nothing has been cut, and so I'm trying to figure out -- before we get into this cross-dais, could I just ask for regular order during the conduct of cross dais, please.

Cole: didn't I say mayor? go ahead.

Cole: okay. So if nothing has been cut, then I'm assuming that because of the matrix that council member morrison talked about, we have just different weighting issues, pot of money is still -- pot of money is still available, and is that the same pot of money we had for the previous year. council member shade? yes, the current recommendation from the staff anticipates no change in the amount of funding. In other words, that pot of money is \$13 million. So we're not cutting social service funding but we're changing what we might be funding, pu we haven't made any -- but we haven't made any decisions so there is no cuts yet. So for somebody to send an email saying the city has defunded everything in xyz organization, that's just not true, because we haven't defunded anything. We haven't made any decisions and we're just barely beginning that process. We're seeing the recommendations, some of you for the first time at the moment, those of us that sit on the committee, you know, we got it presented to us earlier in the week, and if others on the dais have had the week I have, you haven't had a whole lot of time to really delve into the details yet. So council member morrison said we're at the beginning. I would say we're not at the beginning, we're probably more at the middle, but the middle is a mess and there's going to be some serious work before we get to the end. I mean, we started a process last year that was the beginning, and we knew that we wouldn't be making decisions until after we had had a chance to evaluate what the impact was, as she called it -- what did you call it, mechanical or technical formulaic approach. We new we'd need to evaluate it more before we made a funding decision. So nothing has been cut yet. And even if we were to accept today the proposal that was that is being recommended to us, it would mean increased funding for some, decreased funding for others goes and it -- you know, it still would mean the same total amount being funded, but again, we're not ready to make those decisions yet. And by the way, it's also 2012, so that's the other thing, is this is anticipating no increase for next year in that silo either, which is that's something that's going to be before this council sooner rather than later, where we could talk about making that a bigger number than what it was last year, which is what we're working with. So 2012 is -- if we decided today, then people would have a year to get ready for this. So again -- it's a process. further comments? Council member riley. yeah, I want to join council member cole in thanking the committee members for all their work on this, as well as thanking staff for all their work, and I also want to acknowledge all the work that social service providers have put into this whole process and helping us get our arms around the problem, providing a healthy range of responses and then -- and now in helping us figure out where to go from here. I agree that we are at the beginning of this process. I know that the committee members have been seeking this for some time. The rest of us, we've got our work cut out for us to figure out exactly what is going on and how -- and where to go from here, and i appreciate the presentation as far as it indicates the next steps and what we can expect, and I just want to make sure that we're all on the same page about that. I see that on slide 13 there's a description of the items that are -- that came out where I requested for follow-up in the committee meeting on may 9, and I see that we can expect to see a summary of the services not funded, and that will come out sometime within the next two weeks?

No, bert lumbreras, assistant city manager. We've already started to work on that, council member, and our expectation is to get this out to you probably by the early part of next week. at what point do you think we might be able to get a handle on -- well, I understand the committee has already looked at that -- the likelihood of cuts at the state level. Is there any point that --

just barely.

Riley: just barely. Okay, is there any point we'll have a better understanding exactly which cuts can be expected at the state level?

That's a little bit hard to say because everything is extremely fluid with that. I can't give you a definitive date, but we can certainly try to -- I can try to respond to that without trying to guess at it at this point. I couldn't even begin to guess when that would be, but I certainly see that as an important consideration, but part of the challenge the staff has is that this has got a lot of moving parts to it. You know, earlier we talked were the continuum and where we should be as an organization. Obviously the attempt here in

beginning this process was to get at a process that identified specific goals and specific priorities and weights associated with that, and really the council should be commended for taking that very bold step. However, part of the challenge is being able to get a handle of what everybody is doing to really put in place the continuum finding out where are the gaps and as an organization and as a major funder should we be in that continuum. But you're right, that data would be extremely helpful, but I can commit to you I'll be happy to delve into that more and give you a response. I couldn't begin to give you a date tonight.

Riley: okay. Last question, I know council member shade mentioned something about the need for additional legal guidance with respect to the anti-lobbying ordinance. Can -- would it be possible for either you or other staff to give us some -- just a very general terms how -- what can and can't be done under that -- under the anticities, anti-lobbying ordinance.

Sure -- city attorney?

Basically you can't lobby the council. So if somebody makes a representation they're presented by somebody you can't do that. People can come and speak in an open meeting. and so the actual entities that are applying for funding are restricted from having direct contact with the council. How about -- how about -- how about their members, their boards of directors, their supporters? To what extent are they limited -- are they affected by that ordinance?

We'll be happy to write a memo on it. well, I guess what I was hoping is that i thought it would be helpful to get some general guidance out in the public because i think there's a great deal of confusion among the public in terms of what they can and can't do. And so I -- seems like if there's any way to provide some general guidance for the public, that that would be helpful as well. Is there -- is there any general guidance that you can provide at this point?

Assistant city attorney. Council member, the ordinance defines a respondent as a proposer or bidder to a solicitation. So if one entity responds to a city solicitation, that entity is considered the respondent, and we would look to any person who is on the board, for example, of an organization or any member who has been asked to represent that respondent. That is with that example of a respondent. But in terms of the general public, contacting and communicating with council or city staff about -- about a particular respondent, advocating or otherwise, there is no prohibition.

Riley: okay. Thanks. just to clarify that, if a respondent asks others to make contacts for them, would that not be a violation of the ordinance?

Yes, that would be -- i mean -- that has occurred in the past?

Yes, it has. It has, but, mayor, in one case I recall, it was documented on an email from the -- the representative of the respondent. It was very clear that the respondent asked the person to make that communication for the respond event.

Mayor leffingwell: right. -- Respondent.

Mayor leffingwell: right. mayor, I have a legal question. There's not a violation for the members of the entity to speak; is that correct?

Yes, yes, because in the ordinance, the ordinance does not apply if a representation is made by a respondent as long as it's made in public at a meeting posted under the open meetings act.

Cole: okay. But right now we're only posted for a briefing, so i see a number of social service agencies out here who I think follow the legislature, and if I wanted to bring what house bill 1 is bringing down the

pike, can I ask them?

About -- well, this item right now is posted for briefing, and so I think any -- you know, any discussion that's outside the scope of this posting, you'd run afoul of opening news act, and we're not talking about the anti-lobbying ordinance.

Cole: I'm sorry? I just didn't hear the last few words you said.

Oh, okay. I think in the situation -- or the hypothetical that you posed, there would be an issue of does the discussion about house bill 1, for example, is that within the scope of this posting for a briefing. well, I believe it is, but I guess just to be doubly safe, I would just ask the question about whether there is any knowledge of any of the social service agencies who are currently in the audience about the self-sufficiency dollars that should be anticipated from the legislature.

I see. I see. Because we've been throwing that back and forth.

Cole: yes.

No, I'm sorry, I'm not familiar with the subject matter of house bill 1, but it sounds like it deals with social services. well, it's just a whole bunch -- so you're saying that's fine to ask that question? Or not?

Yes.

Cole: it is fine. but we're not posted to receive comment from the public in a briefing. That would be a violation of our rules.

Cole: okay. Thank you. The mayor -- council member shade? one thing I'd like to suggest. So our health & human services committee is scheduled to meet on tuesday, as we typically do, and I think at that time we should delve into more of the details of some of the topics that are being discussed, and I would of course encourage any other council members to join that meeting if they're interested, and if not, if you can't make it, based on what we're hearing your questions are and based on what we'll be gathering from continued work on this, my suggestion would be after our public health & human services committee meets on tuesday, that we, the three of us at least, if we're the only ones there, we come up with a way to present to our colleagues at a subsequent work session some of our findings from this -- you know, the questions that you guys have raised, because again, council member morrison raised some of the most critical issues. Staff is saying they're going to be presenting that material to us early part of next week. That's the feedback that we got at our meeting earlier in the week. So this is going to be an ongoing process, and again, I think the public will be able to participate in our conversation on tuesday. Any other council members are welcome to participate in that meeting, and then from that I think our committee can make a call as to how to schedule a work session with the council as a whole so that we can present, you know, more details, certainly before we get to the may-june meetings where we'll want to share this information further. Certain nly you could do that, council member shade. The only requirement would be that you post it at the work -- as an item on the work session meeting, because it wouldn't appear there automatically otherwise within the time limits prescribed, 72 hours prior. The next meeting would be may 10.

Morrison: mayor? excuse me. May 24. The next work session. Council member morrison. thank you, and I wanted to add to -- so we can work on it and we'll be able to take public comment and have conversations at the public health & human services, but I'm very interested in making sure that the full council has an opportunity to hear from the public at a time when we are not taking action so that the public input can be received and assimilated and thought about, and then at a later meeting at a later time we take action. So we can work out the details of that, but that would mean to me -- that's what I think is very important. That would mean to me that if we have it posted for action on the 26th, we would

really be taking public input and postpone action till a later date. So those will be my druthers and I know we have to work that out in detail. I do want to ask staff one more thing in terms of the additional information that you-all are making available. How will that be made available to the public? Is there a way it will be posted somewhere?

We would be more than happy to do that. One of the things the staff is already talking about is -- as dorinda mentioned earlier, is we've already taken the proactive step -- well, actually based on the feedback that we got from the subcommittee members to go ahead and release whatever information we have. We got additional review on other information as well, and certainly we'll find any mechanism to continue to do that, so we're committed to doing that, because as far as we're concerned the subcommittee and the council has been very transparent in this process and we certainly want to maintain that same approach. so when you say information is going to be released, if I was sitting in one of the chairs in the audience and I wanted to see where that information, could I go to the web site somewhere and find it or -- well, have you posted with our --

okay. Well, considering that it is an rfp process, the way we have facilitated that before is we do that through our point of contact as purchasing and release that information. So we'll be more than happy to do that. So whatever information the council gets, then we'll be doing that through our purchasing point of contact. so does that mean it gets sent to every respondent to the rfp?

Yes, that's the way we did it yesterday when we released that information. so the general public wouldn't necessarily be able to access it through that --

and of course once we release it to the respondents it's public, or even to the council, so we'll find a mechanism, whether it's on the web site or something, that folks can have access to that.

Morrison: okay. Because I know -- here's my notebook of just what I've gotten over the past week and there's a lot of different ways to cut the pie and look at the data. And, you know, if we could find a way for this to be really readily available, i think that would be real helpful to facilitate the public conversation.

We'll certainly do that. council member shade. I was going to say, it would really be helpful if whenever you can post that, it would be posted as backup. We have our next public health committee meeting scheduled for tuesday. I don't know if it would be available by then, but it would sure be nice if at least at that meeting we could tell people, here's where you could find it on-line, or send them a link or something like that. That would be --

we'll certainly work towards that.

Shade: okay. And so again we will have opportunity for public, that meeting on tuesday, I've already got the agenda. Only going to have our weekly -- our monthly update for the animal intake, and then it will have this as the second topic. So we'll have plenty of time for discussion, and then from there we can go to may 26 for a larger public discussion and perhaps the work session on the 24th we'll be prepared. Thank you again to all the staff for your hard work. thank you. Mr. guernsey? Time for the 2:00 p.m. Zoning cases.

Thank you, mayor and council. 00 zoning and neighborhood plan amendment items. These are where the public hearings are objection and there's possible action this evening and I'll cover those items we can offer for what I believe are consent for your action first. The first item I'd like to 60, case 01, riverside gardens. This is located at 6716 east riverside drive. This is amendment to the montopolis neighborhood plan, future land use map. The applicant has requested a postponement of this item to your may 26 agenda. Originally this was possibly for an indefinite postponement but we've worked out this can be postponed to your 26th agenda. Item 61 is a related zoning case for case c14-2010-0204, again for 6716 east riverside drive. The applicant has requested a postponement of this item to your may 26 agenda. 62 is case 03 for the property located at 626 bastrop highway and 530 bastrop

highway. We have a -- this is for a neighborhood plan amendment to the Montopolis neighborhood plan. We have an indefinite postponement request by the applicant. 63 the related zoning case is c14-2010-0138 for 50 -- 530 and 626 Bastrop Highway, and we have an indefinite postponement for the zoning case as well by the applicant. And on indefinite postponement we would renotify of the public hearing if that should come back in the future. 64 is case c14-2011-0011 for the 1000 block block of West Rundberg Lane. This is a zoning change to p, neighborhood plan, or p-np combining district zoning. The zoning and planning commission recommendation was to grant the p-np combining district zoning and this is ready for consent approval on all three readings. 65 is case c14-2011-0005, for the property located at 7100 and 7202 North FM 620. This is a zoning change to community commercial or gr district zoning. The zoning and platting commission's recommendation was to grant community commercial and conditional overlay or gr-co combining district zoning and this is ready for consent approval on all three readings. 66 is case c14-2011-0012 for the property located at 2008 Brandt Road. This is to zone the property to community commercial conditional overlay or gr-co combining district zoning. The zoning and platting commission's recommendation was to grant the gr-co combining district zoning, and this is ready for consent approval on all three readings. 67 is case c14-2011-0009, for the property located at 11331 North Lamar Boulevard. We have an applicant request to postpone this item to the June 23 agenda. 68 is case c14-2011-0007, for the property located at -- in the 9900 to 99 -- 9900-148, 1300 Tillerfield Trail and 9,100 to 148 Wading Pool Path. This is to zone the property to single-family residence, small lot, combined district zoning. The zoning and platting commission's representation was to grant the sf-4a district zoning and this is ready for consent approval on all three readings. 69 is case c14-2011-0008 for the property located at # 901 to 10,001, narrow drive, 10,145 to 10e thousand 16 100-year oak drive. 1305 To 1425 Tiller Trail Drive, 1300 to 1417 Middlefield Court. 1301 To 1425 Canopy Creek Way, and 10,100 to 10,166 Wading Pool Path. This is to rezone the property -- or to zone the property to single-family residence small lot or sf-4a district zoning. The zoning and platting commission recommendation was it grant the sf-4a district zoning and this is ready for consent approval on all three readings. [One moment, please, for] the last item I can cover is item 73kc4 teen r dca, for the property located at 5617rm2222. The champion commercial development property. We have a postponement request by the neighborhood. The applicant does agree to the postponement. And this is to postpone this ITEM TO MAY 26th.

Consent agenda for tonight is to postpone item 60 and 61 until MAY 26th. To postpone item 62 and 63 indefinitely. To close public hearing and approve on all three readings, item 64, 65, and 66, postpone item 6 -- postpone item 67 until JUNE 2 THEREd. Item 68 and 69, and postpone ITEM 71 AND 72 UNTIL MAY 26th. That is the consent agenda.

Mayor, I believe that's item 73, not 72.

Mayor Leffingwell: 73. Was the last one.

Right, 72 is still in discussion.

Mayor Leffingwell: 72 is discussion.

Yeah.

Mayor Leffingwell: Is there a motion to approve the consent agenda?

I am second mayor pro tem's second motion to --

I didn't hear a motion from the mayor pro tem.

Okay, I guess I'll take the motion p.

If you don't want to use your mic, you can just nod. Mayor pro tem moves the motion. Is there any discussion? All in favor say aye. Aye. Opposed say no. Pass as a vote of 7-0.

Thank you, mayor and council.

That takes us to item 70.

-- Item 70.

This is to rezone the property to mf2 zoning. It was recommended to you by the zoning plotting commission of the fm 2 zoning -- was for fm-2co with recommendations within an additional conditional overlay to prohibit all direct access to Cumber Castle Way and this is the street that would -- in this picture be to the top or to the west of Manchaca Road. Also, President Bush More Trail and -- drive except for emergency access. This property was annexed in 1974. It's surrounded to the north by a church and single-family uses. Zoned office and sf2 zoning to the south, is cool, some duplexes, and -- to the east of this property is undeveloped, across Manchaca. The proposal is to develop the property with a retirement housing project with approximately 96 units. They would actually restrict this site to retirement housing, large site, as the owner mf-2 use. And then allow uses that would be normally found in the townhouse, condominium district or the sf6 district. And it was also recommended by staff, and I'll pause at this time, if you have any questions.

Do we have anything from the applicant?

There's an applicant's representative here bury partners.

Mr. Tran? You have five minutes. Tran is the property owner, we are his agent. I will take any questions from the council.

Questions from the council?

Yeah, I have a couple questions.

Councilmember Riley?

I. With ad to ask about -- I wanted to ask about access to the street that is dead end to this site. The site -- it's currently development reserve. There are three sites in the neighborhoods around it that currently dead end into this tract. And as I understand it, the conditional overlay would actually prohibit vehicular access to those three streets. And so I guessn't I wanted to ask -- guess I wanted to ask about the rationale for prohibiting that access and ask about the possibility of allowing pedestrian -- bicycle/pedestrian access to those streets.

I'll answer the first question regarding the vehicular access to the three roadways. The reason why we requested that was mainly due to constraints we have on the site. It is only 200 feet wide. It has nine heritage trees that we're saving. We're saving all of them. And with the configuration of the site and to be able to construct what is the vision of the developer, it would be very difficult to do that in giving up essentially 70 feet of right-of-way. So that was the reason why we wanted to prohibit or restrained from Cumber Castle Way being extended to Manchaca. Reason two was the overwhelming voice we heard from the neighborhood association to not allow cut of cut-through traffic into their neighborhood.

Okay. And in terms of the allowing -- often, for many years of the planning commission, when there's been -- when the neighborhood has expressed an interest in prohibiting access because of a concern of cut-through traffic, the planning commission often asks that bicycle/pedestrian access would be allowed. And so the people -- so it won't be creating superblocks that would be -- we would be promoting healthy

activity and by enabling people to walk or bicycle to their destinations without going a tremendous distance out of the way. So did you consider allowing bicycle/pedestrian access?

Yes, we did look into it and the reason is that we would like to keep from providing pedestrian or bicycle access to the three roadways, is mainly because of the type of development that we're looking at. And again, because of the restraints that we have on site. So let me start with the type of development. It is going to be a retirement community, no children allowed, 55-plus is going to be the age restriction, affordable housing, federally funded and so on and so forth. So in order to create a safe atmosphere, to provide safety for the residents on site, it's going to be a gated community. Therefore, the only people who are going to be allowed in and out of that site, essentially the residents themselves only, are the residents themselves only.

But even if the residents want to take a walk-through the neighborhood, they're going to have to go -- they're going to have to walk along Manchaca all the way up to Davis Lane or down all the way down to Crown's Point Drive. There's no way that they could just -- that they could go directly into the neighborhood. They're going to have to walk that distance?

Yes.

You wouldn't want to allow -- at that affordable housing complex, you wouldn't want to allow the residents to be able to walk into the neighborhood?

It's not that we don't want to allow. Obviously, we want to promote active lifestyle and allow them to do that, which brings me to my second point, is that if we do provide a -- essentially a public access easement through the site which would be a minimum of 10 feet, or 15 feet, and I'm assuming it would be along that southern edge of the property, that takes away about 10% of our net site area. If you take away the percentage of area that we have to maintain because of the heritage trees and where the water quality pond is going to go, that leaves us a very small area.

I'm sorry. Why would you need 10 to 15 feet in order to allow access?

Because, this is a private property. So we would have to provide a public access easement to traverse across that land. We can't just open the doors and let people walk in freely. We would have to provide the city with a public access easement to legally allow. That then indemnifies essentially -- em indemnifies them of any liability with the general public utilizing their property. And that's why we would have to provide the city with a minimum 10-foot access easement.

What about -- providing a gate that -- but if you were to allow residents -- I mean, there are many complexes that -- complex that is, even gated complexes, that have multiple gates that allow -- multiple gates that allow residents to go out to other roads.

Correct. And I can ask our client -- at this time I can't speak on his behalf. Unfortunately he was not able to be here this evening, but I can definitely ask him if he's willing to provide -- if he is willing to provide gated access out of their property.

Or -- access out of their property.

Typically you'll see a card or a code or a key that residents can go in or out through --

and I agree with you and I think that's something he would definitely entertain, but the notion -- I just want to make it clear that the notion of providing a public access easement to allow the public to freely traverse across that land is not something that we would like to entertain. But providing access out of the property via an access code or a locked gate that only the residents can access, that's definitely

something I will ask him about and I feel that he would entertain that.

But you're not prepared to make that commitment.

I cannot. Not tonight. I will ask him and hopefully the second -- this is the first reading, so hopefully during the second reading I will have an answer for you and we can move forward from there. v

Okay. Thanks.

There are no other speakers signed up, so entertain a motion on item no. 70. Councilmember spelman starts close the public hearing on approval of all three readings.

Well, was staff ready to go on all three readings?

Yes, we're ready to go all three readings this evening if the readings this evening. If the question wanted to be ask of the owner --

councilmember spelman made a motion. Is there a second?

I'll second.

Is there any discussion?

Mayor, could I make a subsequent motion?

Councilmember riley.

I move a subsequent motion. I would offer we pass this on first reading only, with the hope that when we come back for a second and third reading, that we could build into the -- the requirement that we allow bicycle/pedestrian access, gated access, at least for the residents at -- at the access points where the other -- where the neighborhood roads dead ended to the development.

Substitute motion by councilmember riley to close the public hearing and approve on first reading only. Is there a second?

Second.

Second by who? Mayor pro tem? The discussion will -- will councilmember morrison.

Could I just ask if a two-week delay causes trouble --

yes. Unfortunately, due to the federal funding that the client is trying to obtain, it will cause some trouble. Now, what I would like to say is that with the gated access, what we could do is we could leave in the zoning ordinance, we could say prohibit all vehicular access and during the site plan stage, using -- we can address the gates for the resident pedestrian or bicycle access.

Could I ask staff, would that require -- could we do that on all three readings?

I don't see there's an issue right now. Right now the ordinance as it's written prohibits vehicular access, so if people wanted to walk into the neighborhood, that would be allowed by a gate.

I'm sorry.

And that could be handled at the site plan stage?

That would be handled at the site plan stage. There's nothing that's written in the ordinance, right now it speaks to prohibiting direct access -- let me go back to the ordinance. On part 2, paragraph y, it says except for emergency access, vehicular access from the property, the streets is prohibited. All other vehicular access to the property will be from adjacent public streets or property. So if one wanted to walk from this to any of those streets via a gate, it could be a one-sided gate that would have a punch key lock or some sort of locking mechanism that only the residents can use to get back in and out.

And a bicycle doesn't count as a vehicle?

A bicycle could count as a vehicle. You could also rephrase it to say, a motor vehicle, and add that word to the reference under the ordinance that would prohibit motor vehicle access except for emergency vehicles and that would address that question.

That sounds like a reasonable approach, because I hate to mess up anybody's federal funding for a project like this.

We would greatly appreciate that, yes.

So what is the reasonable approach?

So I think the reasonable approach would be to ask that the language be changed to prohibit only motor vehicles. Motorized vehicles, whatever you said, and the --

motor vehicle access and that's clear enough direction. I think we can work with laud to make that minor change.

And at the site plan stage to work on pedestrian and bicycle access.

That may actually part of the ordinance, but we could make that as a direction to staff and will understand that and pass it on.

But we have a substitute motion from councilmember riley on the table.

That's right. So are you proposing that addition to the substitute motion or to the main motion?

I would -- yeah, I guess i can't do a substitute on a substitute motion. So I would prefer to go back to the main motion and make the direction there.

Councilmember riley, you want to withdraw your substitute?

I'd like to ask a question of staff if I could.

Councilmember riley.

Are you saying that we can give direction to staff to require that pedestrian access be allowed at those access points?

Direction at staff to look at that, it's possible with the owner, providing that on the site. If you're actually saying, the owner must do that, then that raises a whole bunch of other issues.

We're currently -- staff is recommending a restricted covenant that embodies a number of recommendations. And the restrictive covenants -- currently prohibit access or is that on the condition of -- commission of level a?

The commission -- well, hold on. If we had the applicant here, if the applicant had taken the time to be here tonight and was willing to agree to a low access, that -- allow accession, that agreement could certainly be included within this restricted covenant.

It could.

And if we were doing -- if we took some time and got that agreement and it came back for a second or third reading, at that time a requirement to allow that access could certainly be included in the restricted covenant.

It could. And if the owner is agreeable, saying I hereby agree I will provide pedestrian access the adjacent right-of-ways.

And without including that in the restricted covenant, there's no way -- the owner could easily just say, no, don't want to do it. And then would not -- they could just put the -- have a complete fence around the whole project and not allow any access to the surrounding neighborhood, isn't that right?

That's correct.

Yeah. Well, mayor, this is -- this is a large tract in what is essentially a large block in a developing part of Austin where it is for -- we just had a presentation -- we had a proclamation a short time ago about the importance of healthy activities, how -- it was about exercise is medicine month and the person receiving the proclamation talked about how important it is to get daily physical activity. And here we have an opportunity to allow residents at -- to allow older residents at a low-income housing project to get -- to have easy access to daily physical activity by taking a walk in the neighborhood, but it would be a simple case where we could either allow it or if we don't require it, then they will be stuck in that -- in either of that -- either in that complex or on that busy Manchaca road. And so I would -- I'm going to stick with my substitute motion that we just pass this on first reading only.

Well, councilmember, of course I'm aware of the proclamation. I read it. But it seems to me that if they had to go all the way around, they'd get a lot more exercise, maybe. So --

sure, and maybe -- if they're on I-35, they'd get a lot of exercise, too. [Inaudible]

Mayor -- without objection, the mayor pro tem withdraws the second with the substitute motion, so unless there's another second substitute motion for lack of a --

okay.

So we're ready to address the main motion, which is to close the public hearing and approve on all three readings. With additional direction.

Actually, with -- first of all, to change the language of the zoning ordinance so it prohibits motorized vehicles -- or what was the --

motor vehicle access.

Motor vehicle access, and then with directions to staff that during the site plan stage, that you encourage and keep an eye on the possibility of --

we would work with the owner to look at the possibility of providing that pedestrian access.

That's what I meant, yes.

Is that approved by the maker of the motion?

Yes.

And the second agrees also? So all in favor of the motion, say aye.

Opposed say no. Masses on a vote of 6-1 -- passes on a vote of 6-1 with councilmember riley voting no. So I think that brings us to item 72.

Thank you, mayor and council. C14-2010-0154, la palma plaza, this is for the property located in the 12030 block of north lamar boulevard. 8-acre tract of land that is requested to be rezoned to a community commercial or gr district zoning. The zoning and planning commission's recommendation was to -- to deny the zoning change. Right now the property in question contains an existing 57. -- It is not recommended or supported by the walnut creek neighborhood association, although they could encourage the owner to make improvements to this site and the existing zoning to be more neighborhood friendly. If you have any questions, I'd be more than happy to answer them. The applicant, is here to --

ready for first reading only?

This is only ready for first reading only. The ordinance was not prepared because it was not recommended by the commission.

So you're the applicant? You have five minutes.

Good evening. Eye name is nasin nassar, and i own the property that he was referring to. Let me just spend a minute to give you a little background of where I'm coming from, and then we'll go through the rest of the slides. It's about five, six slides. So basically, there's an existing use to our shop that's been there -- used tire shop that's been there for at least 30 years, so it's way before the whole area was annexed. 5 acres in 2008, with the knowledge that the tire shop is on it. And then in -- shop is on it. And then in 2010 I purchased half an acre to the north of that property. At that time, my plan was to put a restaurant in there because i did own a restaurant in the city and operated for two and a half years, and my wife and I wanted to open a restaurant on north lamar, very busy area. And when we took over the property, the used tire shop was leased. And at that time, it was a month-to-month lease because i wanted to be able to develop it at any time -- to be able to develop it at any time and not get stuck with the lease. Buildings were moved there in 1950s and I took ownership in september of 2010 because the person who leased from me had a heart attack and I decided to take it over and make something out of it. And right now, the business employs 10 hard-working drug-free people -- employees. Mixture between blacks, hispanics, and whites. And motion of these people used to work there for seven, eight years, maybe more. And right now the business meets all requirements for handling scrap tires. Everything is legal. There is no -- there's no delinquency or anything going on. And I saw potential for expansion. One of the reasons that I want to go from mr to gr is because the used tire land is under automotive repair and that .. And when I wanted to do some figuring, it -- fixing, I had to go and basically play with the zoning and try to do it by the books. So I can improve the buildings so we can operate the

business safely. And so I'm going to be able to obtain permits. And I plan to move the tire business on the same property but in a new building. Alongside with the other uses. So basically, my proposal is it looks like this right now and that's exactly what I want to do. It was on -- I want to create a la palma plaza, about 18,564 square feet. Going to have a building for the restaurant on the right-hand side and the tire shop will move in the long trip on the south side building, and the front will have a general retail. So basically, I want to keep the tire business. I want to keep the employees who know nothing except tires. So they will have a hard time finding jobs somewhere else. And make the property look nice for the neighborhood. And that's what I'm asking for the city council to help me at least meet my vision. And maintain my plan.

I'll take questions right now.

Questions from -- for the applicant? No questions? And there are no other speakers signed up on this item. Entertaining a motion that's ready for first reading only. Councilmember Cole?

Move approval.

Councilmember closes the public meeting and approve item no. 72 on first reading only. Is there a second? Second by the mayor pro tem. Any discussion? All in favor say aye.

I get I'm real concerned --

Councilmember Morrison.

Thank you. I'm concerned about this. Staff has recommended against it. There was a similar zoning a couple of years ago. They say nothing has changed since then. And it was also -- so they recommended denial as did the zoning and plotting, but I'm concerned about the impact that this might have. I'm sorry. I thought I heard you say move approval. [Inaudible]

Aah!

Never mind!

Clarification. The motion is to deny the zoning request. By Councilmember Cole. Is there a second? Second by the mayor pro tem. All in favor of that motion say aye.

Posed say no. -- Opposed say no. No the request to rezone on item no. 72 is denied. And I believe that concludes our agenda for tonight. So without objection, we stand adjourned at 8:58 p.m. ♪

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Clarification. The motion is to deny the zoning request. By councilmember cole. Is there a second? Second by the mayor pro tem. All in favor of that motion say aye.

Posed say no. -- Opposed say no. No the request to rezone on item no. 72 is denied. And I believe that concludes our agenda for tonight. So without objection, we stand adjourned at 8:58 p.m. ♪♪